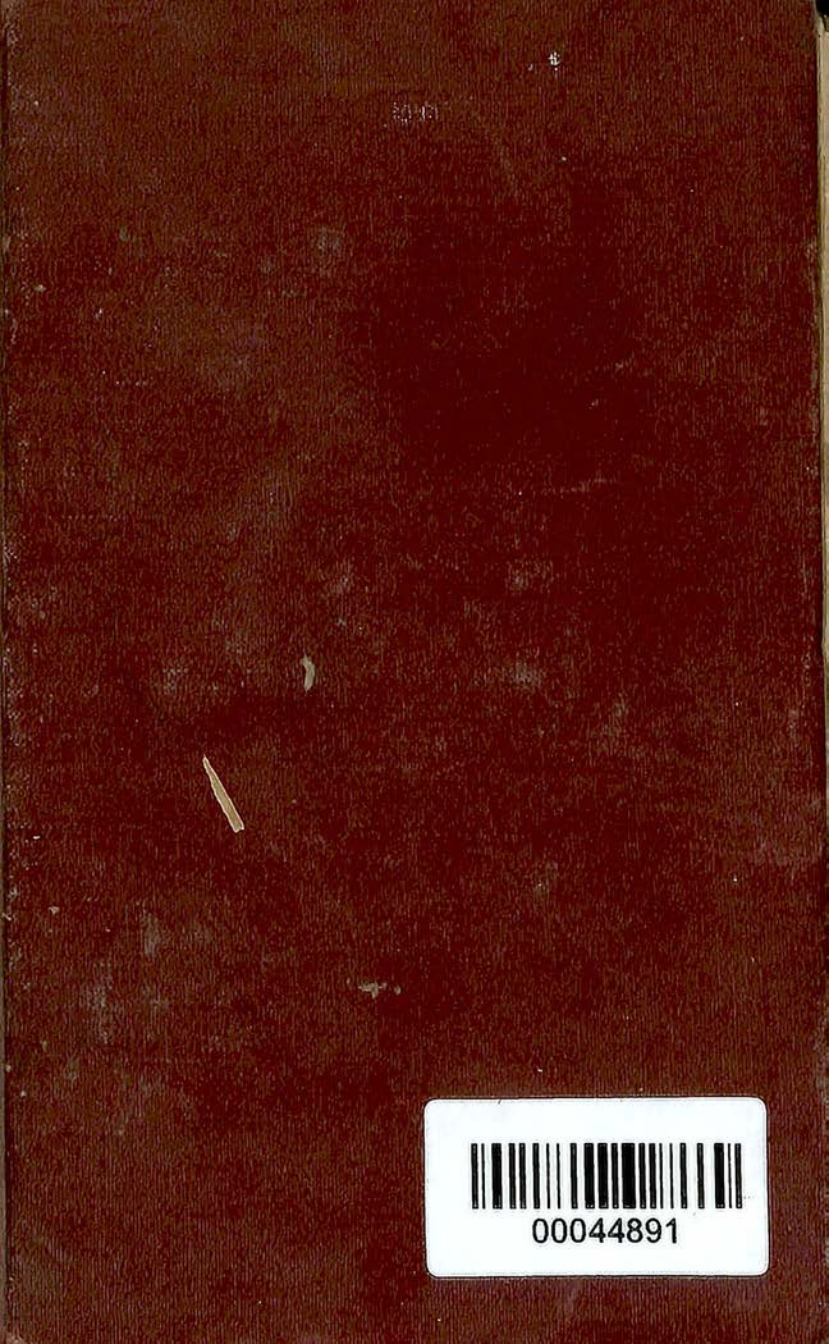
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THE

ENGLISH IN AMERICA.

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BY

THE AUTHOR OF

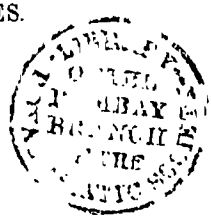
"SAM SLICK, THE CLOCKMAKER," "THE ATTACHÉ,"
"THE OLD JUDGE," ETC.

"Nec quà commissas flectat habenas
Nec scit quà sit iter; nec si sciat, imperet illis."
OVID.

NA a

IN TWO VOLUMES.

VOL. II.



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THE

ENGLISH IN AMERICA.

BOOK III.

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Four great inter-colonial wars occur between the English Revolution of 1688 and the peace of 1763—Cause of the military character of the people—Extent of the French territory—Their claims to extend their boundaries—Form of government in Canada—They fraternize with the Indians—Count Frontenac's three predatory parties—Treaty of Ryswick—End of first inter-colonial war—Chief events of the other three wars—Canada ceded to Great Britain by treaty of 1763.

THE period that elapsed between the English Revolution of 1688, and of the peace of 1763,

is memorable for four great inter-colonial wars. A narrative of the various campaigns is better suited to a general history of America, than a political sketch like the present. I do not propose, therefore, to enter into any detailed account of them. The story has often been told, and whatever interest it may once have possessed, the gigantic struggles in which Great Britain, France, and America have been subsequently engaged, have contributed to render it of still less comparative importance. I would gladly pass it over altogether, but some reference is necessary, in order to show the military character of the inhabitants, the resources of the colonies, and the manner in which the people were trained to the use of arms, inured to danger and hardship, and accustomed to that warfare so peculiar to a country but partially cleared of the forest. It was this long-continued series of contests with the savage tribes of the northern continent, and the disciplined troops of France, that furnished the revolted provinces with able and experienced officers, converted every husbandman into a soldier, and enabled them subsequently to under-

take the bold and difficult task of defending themselves against the armies and fleets of England. The remaining colonies have now nearly the same population as those that revolted; but the people have not had the training of their forefathers; and, beyond all doubt, neither they, nor the present race of Americans, would be able, however much their passions might be enlisted, to exhibit any such progress, to sustain, with similar steadiness, the shock of regular troops, or effect the same extraordinary results. It was in these campaigns that Washington, and the majority of his efficient officers, took their first lessons in the art of war. To their honour too it must be admitted, that most of the creditable achievements were effected by the provincials alone, or when only slightly assisted by the King's troops, and that success receded from the English armies, in proportion as they assumed the conduct of affairs, or attempted enterprises unaided by colonial forces.

The first inter-colonial war commenced on this continent by an attack, made by a combined force of Indians and French, on the

defenceless frontiers in 1690, and continued until the 10th day of December, 1697, when the peace of Ryswick was proclaimed at Boston.* The territory claimed by the French on this continent confined the English plantation to a strip of land of unequal width on the sea-coast. Asserting the Kenebec to be their boundary between them and Massachusetts, they held the whole Eastern coast, Nova Scotia, Cape Breton, St. John (now Prince Edward's Island), Newfoundland, Labrador, and Hudson's Bay, while, on the other hand, they maintained that they were entitled to a moiety of Vermont, to more than half of the province of New York, to the whole valley of the Mississippi, and to Texas, as far as Rio Bravo del Norte. Knowing their own weakness, they proposed, at the commencement of hostilities, to prolong the peace then subsisting in America; an offer which William promptly rejected. But nothing seemed to be severer in the fortune of the British colonies, than that after they had purchased or conquered their territory, unaided

* The treaty was signed on the 1st of September.

by foreign interference, their peace, which was the natural effect of their exertions, should be subject to be disturbed by the broils of the parent countries; and that after the bravery of their people had relieved them from the natural strength of the Aboriginals, they should be destined to be attacked again by their old enemies, inspired and aided by auxiliary forces of Europeans.

The total population of the English colonies, at the commencement of hostilities, might have amounted to two hundred thousand; but half at least of it south of the Delaware, and far removed from the scene of action, took no part in the struggle, beyond voting some small sums for the aid of New York. At a first view of the relative strength of these rival countries, it would appear that the provincials were an overmatch for their Gallic neighbours; but the military enterprise and ardour of the latter, were aided by a decision natural to the character of the nation, and resulting from the despotism of their monarchy. Their religion, or rather their priests, subserved the cause of their government with all the arts and influence of a system

too long* devoted more to human than spiritual purposes. The rulers of the mother country, and all the colonists, had but one object. No encroachments upon charter privileges, no resistance to the exercise of disputed prerogative, and no division of the Established Church, relaxed the common ardour for the glory of the monarchy. However despotic the government of France might have been in Canada, it was paternal, alike calculated to secure the interests, and win the affections of the people. The administration of its affairs was entrusted to a Governor, an Intendant, and a Royal Council. The former was invested with a great deal of power, which, however, on the side of the Crown, was checked by the Intendant, who had the care of the King's rights, and whatever related to the revenue; and on the side of the people, it was restrained by the Royal Council, whose office it was to see that the people were not oppressed by the one, nor defrauded by the other; and they were all checked by the constant and jealous eye, which the government

* Minot.

at home kept over them. The officers at all the ports of France were charged,* under the severest penalties, to interrogate all captains of ships, coming from the colonies, concerning the reception they met at the ports they were bound to; how justice was administered, and what charges were imposed on them. The passengers, and even the sailors, were examined upon these heads; and a verbal process of the whole was formed, and transmitted with all speed to the Admiralty. Complaints were encouraged, but a difference was made between hearing an accusation, and condemning upon it. Unlike the practice in the British provinces at that time, the salaries of all the officers were defrayed from the treasury of France. The local authorities derived great strength, in addition to a complete control of the people, from the affections of the savages, whose character they understood, and whose regard they knew how to win, better than the English. They were fraternized by an assimilation of manners, of families, and of worship. When the French

* British Settlements in America.

planted a military post, it was not merely by a garrison, but they naturalized the place by a domestic neighbourhood, and a numerous population. This mixture with the natives gave them an ascendancy in their councils and enterprises. When they levied war, they drew down the savage tribe upon the frontier of the enemy; and after exercising their usual barbarities, commonly retreated too soon for successful pursuit.

The English provincials were soon made sensible of the evils resulting from the unwise rejection of neutrality by the King. Count Frontenac, who had recently returned from France, with reinforcements, dispatched three marauding parties to fall upon the defenceless frontiers, and their unsuspecting inhabitants. As it is not my intention to enter into any details of these wars, I shall here describe the havoc committed by their detachments, in order to convey to the reader some idea of the barbarous and horrible warfare carried on by the colonies of the two most enlightened nations in the world.

The first party consisted of one hundred and

fifty savages and traders, guided, says Heldreth, by the water-courses, whose frozen surface furnished them a path. They traversed a wooded wilderness covered with deep snows. Pressing stealthily forward, in a single file, the foremost wore snow shoes, and so beat a track for the rest. At night the snow was thrown up towards the side, whence the wind came; and in the hollow trees scooped out they slept on branches of pine, with a fire in the midst. A little parched corn served them for provisions, eked out by such game as they killed. After a twenty-two days' march, intent on their bloody purpose, they approached Schenectady, the object of their toil. This was a Dutch village on the Mohawk, then the outpost of the settlements about Albany. A cluster of some forty houses was protected by a palisade, but the gates were open and unguarded, and, at midnight, the inhabitants slept profoundly. The assailants entered in silence, divided themselves into several parties, and giving the signal by the terrible war-whoop, commenced the attack. Sixty were slain on the spot, twenty-seven were taken prisoners, and the rest fled, half naked,

along the road to Albany, through a driving storm of sleet and deep snow, and cold so bitter that many lost their limbs by frost. The assailants set off for Canada with their prisoners and their plunder, and effected their escape, though not without severe loss, inflicted by some Mohawk warriors, who hastened to pursue them.

Another party, consisting of fifty-two persons, of whom twenty-five were Indians, departing from Three Rivers, a village, half-way from Montreal to Quebec, ascended the St. Francis, entered the valley of the Upper Connecticut, and thence made their way across the mountains and forests of New Hampshire. Presently they descended on Salmon Falls, a frontier village, on the chief branch of the Piscataque, and killed about thirty of the bravest of the inhabitants. The rest, to the number of fifty-four, principally women and children, surrendered at discretion.

The Sieur Hertel, who commanded this expedition, met, on his way homeward, a third party, which had marched from Quebec, and, joining his company to it, he attacked and de-

stroyed the fort of Casco. This latter place was so situated as to be overlooked from a rock, that was near it, from which the Indians galled the garrison to such a degree, that the next day it capitulated on terms which were kept with Indian faith, some of the men being butchered, and the others carried away captive. The people of New England, to rid themselves of such troublesome neighbours, conceived the bold idea of taking Quebec, and accordingly a considerable fleet and armament was sent up the St. Lawrence, for this purpose; but it was an ill-concerted plan, entrusted to incompetent persons, and unhappily failed.

The loss of the fort of Pimaquid, and the capture of Port Royal (now Annapolis) in Nova Scotia, with numerous petty, but murderous inroads, in which liberal use of fire and sword was made by both parties, occupied the attention of the combatants during the remainder of the war; both the English and French Provincials being left to their own resources, in consequence of the great struggle that was going on in Europe. The most remarkable of these incursions was one made by

Frontenac from Canada, in order to chastise the savages dwelling in the rear of New York, who were in the interest of the English, and served as a shield to protect them from the French. After indescribable labour and fatigue, they surmounted all the difficulties presented by an interminable forest, deep snow, and severe cold, and surprised the Mohawk villages near Albany, and carried off in chains three hundred of their warriors, although a prompt and rigorous pursuit caused them some loss both of their own men and their captives.

The Treaty of Ryswick put a temporary stop to these cruel hostilities, and the colonists had some repose from the incessant vigilance which the nature of the warfare and character of their opponents demanded. By the seventh article, it was agreed that mutual restitution should be made of all captured forts, countries, and colonies; while an enormous expense was entailed on France, England, and the provinces in America.

The second inter-colonial war commenced in 1702, and was terminated by the Treaty of Utrecht, on the 30th of March, 1713. Peace

was scarcely proclaimed when the defects of the Treaty of Ryswick became apparent to all. The French continued their old or commenced new encroachments, intrigued with the Indians, and occupied themselves in preparing for another conflict, which they knew to be inevitable. Their movements were viewed with great jealousy and alarm by both New York and Massachusetts, upon whom the whole brunt of hostilities would inevitably fall; while the other colonies, shielded by them, neither felt for their sufferings nor contributed to their defence. The impossibility of combining twelve distinct and independent provinces in one common system of defence, or attack, had been so often represented to the late King, that the whole subject was now referred to the Council of the Colonies, who reported that "they had employed much time in promoting domestic industry, in urging foreign enterprise, and much attention in corresponding with the governors of colonies, in perusing acts of Assembly, and in giving energy to the laws of navigation, which it had been so difficult to enforce." For several years after, both Houses of Parliament demanded, what was regularly furnished

by the Board, a general statement of the national commerce, in order to discover whether it prospered or declined. The disorders and the consequent weakness of the plantations, owing less to the pressure of a too potent enemy than to the impossibility of procuring the concurrence of twelve democratical conventions in any common measure, who, being all independent of each other, were actuated by dissimilar designs, had been so often represented to the Ministers, as at length to engage attention. That respectable commission having considered the whole matter with the utmost care, stated to the Lords Justices, in September, 1696, during the King's absence, "that in those settlements there was force enough to repel the neighbouring French; but they are so disunited in interests, that they have hitherto afforded little assistance to each other, and show a worse disposition to do it in future. Nor can it be imagined that the English there should think it much to employ their own hands and purses in defence of their own estates, lives, and families, yet should expect to be wholly supported from England, which hath pent so much blood and treasure in the carry-

ing on of so lasting a war; that by reason of the various independent governments, they could not perceive how it is possible to preserve those provinces, unless his Majesty shall appoint a Captain-General of all his forces, and of the militia of all the colonies, with power to levy and command them for their defence. That considering it would be impossible for the planters to remain in that country if the neighbouring Indians should once be gained over to the French, it will be very expedient to secûre the tribes by every encouragement, giving them rewards for all execution done by them on the enemy, and the scalps they bring in be well paid for."

This judicious advice, though approved, was unhappily not acted upon. The attention of politicians was engrossed by more favourite, because more personal, schemes. One of the first acts of Queen Anne was to declare war against France, and to send artillery, small arms, and military stores to the colonists, with injunctions to aid and assist each other. The horrid scenes already described were re-enacted, with more barbarity, because each party had injuries

to avenge, and had lost relations whose death was to be atoned for in blood.

We shall not pursue the subject into detail. During the ten years it continued, the forces of Massachusetts swept the coast from Piscataque to Nova Scotia with five hundred and fifty men, taking the town of Menis in 1704; and in three years afterwards one thousand men were transported to capture Port Royal, and made two unsuccessful attempts upon it. In the year 1710, the province furnished two complete regiments, with the necessary shipping, in aid of the squadron and army who captured that place.

The principal incident of the war was an expedition for the conquest of Canada. In June, 1711, a large fleet, consisting of fifteen ships of war, with forty transports, having on board five veteran regiments of Marlborough's army, arrived at Boston, where they were detained more than a month waiting for provisions and colonial auxiliaries. Massachusetts furnished £40,000 to aid the enterprise, New York £10,000, and Pennsylvania, under the Quaker evasion of a present to the Queen, contributed £2,000. Fifteen hun-

dred troops, furnished by Connecticut, New York, and New Jersey, were assembled at Albany, and placed under the command of Governor Nicholson, who was soon after joined by eight hundred Indian warriors, which combined force was destined to make an attack on Montreal, while the fleet was to attempt the capture of Quebec. The naval expedition failed, owing to the mismanagement and ignorance of Admiral Walker, who lost eight of his transports and a thousand men in the St. Lawrence; after which he sent home the Massachusetts vessels with their troops, and returned immediately to England, where he endeavoured to exculpate himself by throwing the whole blame on the Provincials. This unexpected disaster frustrated the hopes of the forces destined for the land attack; and the provinces were left to count the cost of these heavy charges, and digest as they could, the imputation on their conduct and courage, so ungenerously made by the naval commander.

Small as these armaments now seem, the expense was severely felt at the time by a people who were greatly impoverished by continued

hostilities. In the capture of Port Royal, in 1710, Massachusetts, as we have already seen, furnished two entire regiments with the necessary shipping for their conveyance, and supplied Admiral Walker with ten weeks' provision for the forces under his command. During one summer, one-fifth of the whole population capable of bearing arms, were under pay; and it is computed that she had lost between five and six thousand able-bodied young men.

The Treaty of Utrecht was signed on the 30th of March, 1713. Unlike that of Ryswick, which was based on a general restitution, it secured to England, Acadia (Nova Scotia), according to its ancient limits; the fur trade of Hudson's Bay, the whole of Newfoundland, with certain reservations, as to a participation in the fisheries, and the French part of St. Kitts, in the West Indies; and acknowledged the English sovereignty, hitherto disputed, over the five nations of Indians inhabiting the territory bordering on New York.

Although dispersed over an immense surface, the population of the colonies was so great, as to make them feared equally by the French,

who could make but little impression upon them; and by the English, who could not command their obedience. In the quarter of a century, from the Revolution of 1688, to the accession of the House of Hanover, their population had doubled. A public document prepared for the Board of Trade, gives the following returns:

Whites.		Negroes.		Total.
375,750	..	58,850	..	434,600

The immigration into the colonies since 1690, —a period of twenty-five years—had been inconsiderable, consisting principally of negro slaves, and of Irish and German indented servants. The great majority of the present inhabitants were natives of America.

The third inter-colonial war commenced in 1743, and was brought to a close by the Treaty of Aix-la-Chapelle, on the 7th of October, 1748. The first information received of it was brought by some fugitives from Causo, which place had been captured by the French of Louisbourg, in Cape Breton, and by messengers from Annapolis, stating that the place was invested by a

large force headed by a priest. Relief was promptly yielded, but no sooner had the fleet sailed for Boston, than the same ecclesiastic made a second attack, that required the garrison to be so strengthened, as to be beyond the reach of anything but ships of war or a large body of regular troops.

Louisbourg, which the French had fortified at a prodigious expense, was now by far the strongest post north of the Gulf of Mexico, and at the same time was situated in the most important position. It commanded the entrance to the Gulf of St. Lawrence, secured a monopoly of the fisheries, furnished in abundance the requisite supplies for the West Indies, afforded shelter and repairs for the French fleet, and was so conveniently situated for privateers, that the English commerce was almost annihilated. Some prisoners, who returned from thence on parole, suggested the idea, that a sudden, bold, and vigorous attack upon it, if attempted at once, would probably prove successful. The proposal was approved by the Governor, and submitted to the Legislature; but so formidable did the undertaking appear, that the measure

was only carried by a majority of one vote. A circular, asking assistance and co-operation, was sent to the other colonies, some of whom responded to the call, and contributed more or less, according to the interest they had in navigation. Pennsylvania, which was always distinguished for tender conscience, would not raise troops for so wicked a purpose as to kill their fellow beings, but gave two thousand pounds to purchase provisions for them, lest, peradventure, they might die of famine as well as by the sword. Whitfield, then preaching in America, gave his influence in favour of the expedition, and suggested as a motto for the flag of the New Hampshire regiment, "Nil desperandum Christo duce." The enterprise, under such auspices, assumed something of the character of an anti-Catholic crusade, and one of the chaplains carried a hatchet for the purpose of hewing down the images in the French churches.

The forces employed by Massachusetts to reduce the island of Cape Breton, consisted of upwards of three thousand two hundred of their own men, who were aided by five hundred from

Connecticut, and three hundred from New Hampshire. In addition to these, three hundred arrived from Rhode Island, but not until the enemy had surrendered. Ten vessels, of which the two largest carried only twenty guns each, with the armed sloops of Connecticut and Rhode Island as cruisers, constituted the whole naval force, until the arrival of the troops at Causo, where they were joined by a squadron of the King's ships, under Admiral Warren.

The men embarked on the 24th day of March, 1745, and being landed on the island of Cape Breton on the 30th of April, the operations were continued against Louisbourg until the 17th of June following, when it was surrendered. The New England forces lost only one hundred and one men, killed by the enemy and accidental causes, and about thirty, who died of sickness; whilst the French were supposed to have lost three hundred, who were killed within their walls. The strength of Louisbourg, which was regularly fortified and garrisoned by six hundred and fifty veteran troops, and one thousand three hundred effective men of the inhabitants; and the relative conse-

quence of the island, as affecting the other settlements of the contending powers, places this voluntary enterprise of New England in an important point of view.

The capitulation was no sooner signed, than the Admiral, whose blunders had, in the first instance, retarded the operations, with that assumption which has ever distinguished both branches of the service, when associated with colonists, claimed the whole merit of the achievement. England, with her wonted liberality, settled the dispute between the rival commanders, by rewarding both. Elated by their success, the Provincials now offered to undertake the conquest of Canada; but the Duke of Bedford, to whom Governor Shirley's plan had been submitted, disapproved of it, as exhibiting to the colonists too plainly their own strength. He represented "how imprudent it would be to send twenty thousand colonists to plunder the Canadians, and conquer their lands (after the experience we have had of their conduct and principles), on account of the independence it might create in those provinces, when they shall see within themselves so great

an army, possessed of so great a country, by right of conquest." He therefore advised to place the chief dependence on the fleet and army to be sent from England, and to look on the Americans as useful only, when joined with others. Finally, the Whigs determined to send a powerful fleet to Quebec, at the same time that an army should attack Montreal, by the route of Lake Champlain; and so late as April, 1746, orders were issued to the several Governors to levy troops without limitation, which, when assembled on the frontiers, the King would pay.

From some unknown cause, the plan was abandoned as soon as formed. The General appointed to the chief command was ordered not to embark, but the instructions to enlist troops had been transmitted to America, and were acted on with alacrity. Massachusetts raised three thousand five hundred men, to cooperate with the fleet, which, however, they were doomed never to see.

After being kept a long time in suspense, they were dispersed, in several places, to strengthen garrisons which were supposed to be

too weak for the defences assigned them. Upwards of three thousand men, belonging to other colonies, were assembled at Albany, undisciplined, without a commissariat, and under no control. After the season for active operations was allowed to pass away, they disbanded themselves, some with arms in their hands demanding pay of their governors, and others suing their captains. In addition to this disgraceful affair, the Provincials had the mortification to have a large detachment of their men cut off in Lower Horton, then known as Minas, situated nearly in the centre of Nova Scotia.

The Canadian forces, which had travelled thither to co-operate with an immense fleet expected from France, determining to winter in that province, rendered it a subject of continued anxiety and expense to Massachusetts. Governor Shirley resolved, after again reinforcing the garrison at Annapolis, to drive them from the shores of Minas Basin, where they were seated; and in the winter of the year 1746, a body of troops was embarked at Boston for the former place. After the loss of a trans-

port, and the greatest part of the soldiers on board, the troops arrived, and re-embarked for Grand Pré, in the district of Minas, in the latter end of December; when the rigour of the climate might have been supposed to have operated as a guard against an attack. The issue was, that being cantoned at too great distances from each other, La Corne, a commander of the French, having intelligence of their situation, forced a march from Schiegnieto, through a most tempestuous snow-storm, and surprised them at midnight. After losing one hundred and sixty of their men, in killed, wounded and prisoners, the party were obliged to capitulate, not, however, on dishonourable terms, and the French, in their turn, abandoned their post.

On the 8th of May, 1749, peace was proclaimed at Boston, much to the mortification of the Provincials; Cape Breton was restored to France; and Louisbourg, which had created so much dread, and inflicted such injuries on their commerce, was handed over to their inveterate enemies, to be rendered still stronger by additional fortifications. The French also obtained

the islands of St. Pierre and Michelon, on the south coast of Newfoundland as stations for their fisheries. England, with her wonted munificence, as an indemnity for the expense incurred by the Provincials in taking Louisbourg, paid them the sum of £183,000, and also reimbursed the colonies for the losses sustained in raising troops for invading Canada, under orders subsequently revoked, amounting to £135,000.

The fourth, last, and by far the most important inter-colonial war, though not formally declared, commenced by hostilities in America, early in the year 1754, and terminated on the 10th of February, 1763. The peace, so far from restoring amicable relations between England and France, was used by the latter in preparing for another struggle. The Indians were incited to hostilities in all quarters, and especially in Nova Scotia, where the inhabitants of the infant settlement at Halifax were exposed to every species of injury and insult. Throughout the whole of that territory that stretches from the St. Lawrence to the Mississippi, and lies in the rear of the continental colonies, the

Governor of Canada erected about twenty fortified posts, to secure the country he had encroached upon. In 1672, one was built on the north entrance of Lake Ontario, and another, in the following year, at Michelemackenac. In 1684, a very respectable fortification was completed at Niagara, and another in the same straight in the year 1720. The passage between Lakes Erie and Huron was secured by a fort in 1683, the navigation of Lake Michigan was defended by one on each side of it, and that of the River Toronto by another, on its eastern confines. Three more, with an entrenched town and a citadel, were completed at Crown Point, at Champlain, and Richelieu, while many settlements were made between the Iroquois River and Montreal, which with seven villages within the disputed bounds of Massachusetts, might have contained about thirty parish churches.

The French having taken several English traders within this region, thus usurped by them, and confiscated their goods, sent them prisoners to Canada; and the Indians, in their alliance, having murdered several provincial

settlers on the same ground, Lieutenant-Governor Dinwiddie, of Virginia, sent Washington to the Commander of their forces on the Ohio, to inquire into the reasons of these injurious proceedings. The answer given to him was such as might have been expected: "That it was French territory." A fort was then erected by the Virginians to check the progress of the enemy at the Forks of the Monongahela. This, on the 17th of April, was taken by a force consisting of upwards of six hundred men, and eighteen pieces of cannon, the garrison being permitted to retire. On the 25th of the same month, Colonel Washington, since so well known throughout the civilized world, took a small party who were approaching him, under the command of Captain Digonville; but on the 3rd of July, being surrounded by vastly superior numbers, after a manly resistance from eleven o'clock in the forenoon to eight in the evening, he was obliged to capitulate. Thus were hostilities decidedly commenced on the continent of America, and all the colonies were once more involved in the horrors of war.

Four operations were undertaken at the same

time by the British and provincial forces; of these one was commanded by Colonel Monckton, who had orders to drive the French from their encroachments upon Nova Scotia. The second, more to the south, was directed against Crown Point, under the command of General Johnson. The third, under the conduct of General Shirley, was destined to proceed to Niagara, to secure the forts on that river; and the fourth further southward still, under General Braddock was ordered to reduce Fort Quesné.

The first was successful. The troops were raised in Massachusetts Bay, and acted as a distinct body under their own officers, with a promise of the same pay and treatment in every respect as others in the same service with them. They embarked at Boston on the 20th of May, and arrived at the Basin of Annapolis Royal on the 25th, whence they sailed on the 1st of June, in a fleet of forty-one vessels, to Chignecto, and anchored about five miles from Fort Lawrence. On the 4th, being joined by about three hundred regulars, with a small train of artillery, they marched for the French fort, Beau Sejour. On the 16th, the enemy sur-

rendered, being allowed to march out with the honours of war, and to be transported with their effects to Louisbourg, at the expense of the King of Great Britain, on condition of not bearing arms for six months. The Fort of Gaspareau of necessity surrendered, after that of Beau Sejour, and was allowed the same terms. The name of the latter was changed to Cumberland.

Braddock, who commanded the expedition against Fort du Quesné, suffered a shameful defeat. He was repeatedly warned that the nature of the country, and the warfare he was engaged in, required the utmost caution. He was advised to send forward the provincial troops that served in his army, consisting of independent and ranging companies, to scour the woods, and guard against an ambuscade; but he thought too contemptuously both of the enemy and the colonists, to follow that judicious recommendation. The consequence was, he fell into an ambush when within seven miles of the fort. His army was totally routed, and sixty-four officers and about one-half of the men were killed or wounded. The provincials were formed

under Colonel Washington, and covered the retreat of the fugitives.

General Johnson, though unable to attempt Crown Point, revived the drooping spirits of the people, by repulsing the Baron Dieskau and a large force, after a hard and well-contested fight. General Shirley, from a variety of causes, was unable to take offensive measures, until the season for action had passed, and the general result of the war so far was both disastrous and discouraging.

The reasons why so little was effected, where so much was confidently expected, are to be sought for in the dissimilar forms of government of twelve provinces, and in the want of some controlling power to establish the quota of men to be furnished by each—the absence of a common treasury, and the right exercised by every province to interfere in the management of their contingents, as to the time of their marching, the objects of their destination, and their supplies. Another great cause of disgust, insubordination, and want of union, arose from the invidious distinction made between the King's troops and the provincials. By an Act

of Parliament, the general or field-officers who served by commission from the King, and a captain and other inferior officers of the British forces, in all duties, took post of the provincial officers of like rank, though their commissions were of older date; and what must have operated most unfavourably in this respect was, that the appointment of officers among the regular troops was extended to Americans so grudgingly, as to make it evident that they were no further rewarded by commissions, than the enlisting of men made it absolutely necessary. This impolicy alienated the feelings of many deserving and well-affected colonists.

The campaign of 1756, from the operations of some or all of these causes, was as unsuccesful as that in 1755. It terminated with the loss of the fort at Owego, and abandonment, after immense toil and expense, of the expedition against Crown Point, the soldiers being ingloriously employed in defensive measures for their own safety. That of the following year, 1757, was still more humiliating, the loss of Fort William Henry, garrisoned by nearly three thousand regular troops, filled the country with

despondency, and the breach of the capitulation by the French, whereby the prisoners were all pillaged, and many butchered in cold blood, was long the theme of indignant reproach. The year 1758 opened with better prospects, and is distinguished for the capture of Louisbourg. A very powerful armament, consisting of twenty ships of the line, and eighteen frigates, having on board fourteen hundred men, under the command of Admiral Boscawen and General Amherst, appeared before that place on the 2nd of June, and on the 25th of July it surrendered. Fort Frontenac was also taken by a body of three thousand provincials, aided by regulars; and the French, after a severe encounter with part of General Forbes's army, evacuated Fort de Quesné on the Ohio.

Teconderoga, the great object of New England's efforts, still remained to scourge the country, and it was resolved forthwith to attack it. This attempt, however, proved unsucessful, and occasioned a loss of sixteen hundred and eight rank and file of the regulars, among whom was Lord Viscount Howe, and three-hundred and thirty-four provincials. To put

an end to this ruinous contest, three great expeditions were undertaken, General Amherst, with a body of twelve thousand men, was to attack Crown Point; General Wolfe was at the opposite quarter, to enter the St. Lawrence, and undertake the siege of Quebec, while Generals Johnson and Prideaux were to attempt the reduction of the French forts, near the Falls of Niagara.

It was late in July before General Amherst reached Teconderoga; on his approach, the French blew up this magazine, evacuated the fort, and retreated to Crown Point, whither he immediately pursued them. But they retired, and took post at Isle aux Noix, at the northern extremity of Lake Champlain. As the season was so far advanced, he returned to Crown Point, and put his troops in winter quarters.

The expedition, under Generals Prideaux and Johnson, against Fort Niagara, was crowned with complete success. A large force, collected from all the neighbouring garrisons, was assembled for the purpose of raising the siege, for the French justly considered that post as the key to

all their interior American empire. These troops were gallantly repulsed, in view of the besieged, who, discouraged by having all succour cut off, surrendered as prisoners of war.

While these successful operations were carried on in Upper Canada, General Wolfe was prosecuting the grand enterprise for the reduction of Quebec. Of the ascent of the heights of Abraham, the battle that ensued, the death of Wolfe and Montcalm, the fall of Quebec, and the subsequent conquest of Canada, every history, both American and English, contains a copious account. To abridge it would be to deprive it of its interest, and to enter upon it at large is inconsistent with the nature of this work. Bald and scanty as the narrative I have given must necessarily be, it is copious enough to exhibit the military character of the colonists, and the school in which they were trained to a knowledge of actual service. Anything beyond this I have omitted, as incompatible with the plan of a book that professes not to be a history, but a political sketch.

On the 10th of February, 1763, a definitive treaty of peace was signed at Paris, and soon

after ratified. By the second article, France renounced and guaranteed to Great Britain all Nova Scotia or Acadia, and likewise Canada, the Isle of Cape Breton, and all other Islands in the Gulf and River of St. Lawrence.

CHAPTER II.

SKETCH OF POLITICAL EVENTS FROM 1698 TO 1740.

Arrival of Sir William Phipps—Difference between old and new charters—Spirit of first legislation—Determination to establish no permanent salaries—Formation of two parties, Loyalists and Patriots—Character and death of Phipps—New York imitates the conduct of New England—Refusal of militia of Connecticut to obey the King's officer—Board of Trade established—Courts of Admiralty created—Oath framed for Governors to enforce trade acts—Arrival of Lord Bellemont—His character and conduct—Appointment of Mr. Dudley—His unpopularity—The Assembly deny his right to negative their choice of Speaker, and refuse to comply with any of the Royal instructions—Insinuations against the Governor that he was holding treasonable correspondence with the enemy—He is attacked by the preachers—Appointment of Colonel Chute—Opposition of Assembly—Appointment and death of Governor Burnet—Arrival of Governor Belcher—End of contest about fixed salaries.

On the 14th of May, 1692, Sir William Phipps arrived at Boston, with the new charter, and a commission, appointing him Governor of the colony. The people were not a little surprised to find, that the patent which had caused them so much apprehension, was more favourable than they expected; but liberal as it was, there was a very large party in the colony averse to receiving it, hoping that by showing a bold front, and determined opposition, they might extort a renewal of the old one.

Warned by past experience of the danger of permitting any sect to indulge intolerance, a clause was introduced into it by the Crown officers, allowing liberty of conscience in the worship of God to all Christians excepting Papists; appeals to the King and Council were supported in all personal actions above three hundred pounds sterling in value; and the exercise of Admiralty jurisdiction was reserved to the Crown. But the great restraint laid upon the province consisted in the appointment of the Governor, Lieutenant-Governor, and Secretary by the King; in investing his representative with a negative upon all laws and elections made

by the Council and House of Representatives; and subjecting the laws, even when thus sanctioned, to rejection by the King, within the term of three years. The Governor was also authorised to call an Assembly whenever he saw proper, and to adjourn, prorogue, and dissolve it at pleasure. No act of the Legislature was to have any validity without his assent. The appointment of all military officers was vested in him solely, and he had concurrent authority with the Council in filling every situation in Courts of Justice; their civil officers were to be chosen by the two Houses, subject to his negative; and no money could be paid out of the treasury, but by his warrant.

Besides these changes, the differences between the old and new charter consisted in an express authority for exercising powers which had been in constant use from necessary implication: these were the privileges of a House of Representatives as a branch of the Legislature, the levying of taxes, and creating courts for the trial of capital crimes. The probate of wills, and granting administration on intestate estates, were expressly given to the Governor and Coun-

cil. Whilst the privileges of the people were thus diminished, the territory of the province was enlarged. The colony of New Plymouth, the province of Maine, and the county of Nova Scotia, with the lands between the two latter, were joined to Massachusetts, and formed an extensive tract of not less than eight hundred miles in length. Out of this extensive domain, the only new reservations made were the timber suitable for masts for the Royal Navy, and grants of land between the River Sagadahook and the Gulf and River of St. Lawrence, which were not to be valid without the King's approbation.

The jealousy always felt of royalty showed itself at once on the first exercise of prerogative rights under the charter. Advantage was taken of the ignorance of the Governor by the Council, to assume to themselves the appointment of sheriffs, justices, and other similar officers. An act was passed at the same time, to continue in full force, until formally repealed, all the old laws of the colony in existence when the second charter issued; by which, had not the design been discovered and frustrated in England, the

law enforcing the ecclesiastical discipline of the Congregationalists, and authorising the levying taxes for their support, would have been re-enacted; and as no refusal could have been procured without the consent of the Lower House, it would have either remained for ever on the Statute Book, or caused some legislative action in Parliament. Another contemporaneous act clearly evinces the spirit of the people. It was a sort of Magna Charta (from which, indeed, many of its clauses were copied), and recited at length their various rights and privileges; among others they failed not to insist upon the following: "No aid, tax, taillage, assessment, custom, loan, benevolence, or imposition whatever, shall be laid, assessed, imposed, or levied, on any of their Majesties' subjects or estates, on any pretence whatsoever, but by the aid and consent of the Governor, Council, and Representatives of the people assembled in General Court." This law, on the advice of Lord Chief Justice Holt, was disallowed by the King, because it contained what none of his predecessors had ever conferred. A criminal code was also compiled, and passed by the Legislature, that was in the same

manner disapproved, since it was thought to have been borrowed too much from the Jewish system to be consistent with the jurisprudence of England. Another law, "for securing the liberty of the subject," by extending the Habeas Corpus Act, was rejected, as Somers and other Whigs insisted it had not yet been extended to the colonies. Few of the acts of that session, had the good fortune to please the statesmen of England, since they thought it of importance to oppose the progress of any innovation.

In the first House convened under the new Charter, a broad line of demarcation was observable among the representatives; the friends of British connection and Loyalists on the one hand, honest Republicans, unprincipled demagogues, and bigoted sectarians on the other. Such as were for limiting the prerogative, securing the dependence of the Governor, and maintaining the supremacy of the Colonial Legislature, naturally won the hearts of the people, and received their confidence in proportion to their zeal; while those who thought rights and duties reciprocal, saw no danger in a limited monarchy, and were attached from prin-

ciple and feeling to the parent country, subjected themselves to the reproach of cowardice, obsequiousness, and self-interested motives.

To the same period may be traced that favourite but fatal policy of the Home Government, of attempting to conciliate those in opposition, at the expense of the feelings, the rights, and just claims of its true friends; of refusing reasonable concessions, until compelled by popular movement to grant more than was at first demanded, whereby the grace of justice or liberality was merged in the triumph of a forced surrender, and of treating both classes with an indifference or contempt, that aroused the implacable anger of the one, and damped the ardour and chilled the affections of the other. Republican disloyalty can never be softened or won by kindness, which it always ascribes to weakness, or demands as a right; though it may be strengthened by ineffectual resistance, or the withdrawal of salutary restraints: and the most devoted loyalty will perish at last under injuries or neglect. There is a rectitude and majesty in justice that makes it respected by all; and every class is equally entitled to share in its benefits.

When it is duly administered, none have a right to complain; but when that duty is once performed, long-tried friendships and faithful services have the first claim upon a grateful remembrance, and should receive the countenance and reward to which they are entitled. To buy off our enemies is a fatal policy; it adds to their resources in the same proportion that it weakens our own, and necessarily leads to new and insolent demands. It is better to arm and discipline our friends, and resist aggression at once, as promptitude and energy may crush it for ever. But to give rebels the advantage of a fair struggle in the field, and when they are defeated to remunerate them for the losses they have sustained, as was recently the case in Canadà, exposes a government to the grief or indignation of its friends, and the inexpressible ridicule or contempt of its enemies.

Besides the formation of the two parties, Loyalists and Patriots, above referred to, whose descendants still distract the remaining colonies with their contentions, the short administration of Sir William Phipps contains one or two instructive lessons, as to the effect of the

previous republicanism upon the people. The appointment of a Governor by the Crown, was the most obnoxious part of the charter; and although Phipps was a native, and a favourite of the Puritan divines, the Mathers, who in fact elected him themselves for the office, he was made to feel that in accepting it, he ceased to be regarded as a colonist. Among the associated agents, who had negotiated with the British Government for the new patent, was a violent republican of the name of Cook, who advocated obstruction on all occasions to the King's representative; "as the appointment of an obnoxious ruler," he remarked, "would make the people rise," a memorable saying, which made a powerful impression on the public mind. He also counselled them, "to establish no officer's salary, and to perpetuate no public revenue," advice which was found too serviceable to their cause to be neglected for a moment. It soon became a settled maxim of colonial policy, and was adopted throughout the provinces. They now no longer feared the English, as the Charter had confirmed so many of their usurpations, but they heartily despised

them, for such was the venality of the Whigs, that provincial politicians made no scruple of openly asserting "that anything could be obtained at Whitehall for money."

So far as Phipps was concerned, he found his commission a service productive of no emolument, but of great labour and responsibility. How widely different is the situation of Governor now. They have arrived at the other extreme, having large salaries, and nothing whatever to do, but to affix their signatures to the acts of their executives. Phipps could never prevail upon them to establish a salary for him, although they gave him a gratuity, to make him feel his dependence, and to induce him to connive at their usurpations, and their evasions of the laws of trade. In obstructing the Custom House officers, he committed acts that occasioned his recal. He was a man of mean extraction, vulgar manners, and little or no education; his early years having been spent in the hardy occupation of a shepherd, on the bleak and barren hills of his native land, in Maine; and his frame subsequently strengthened by the laborious employment of a ship-carpenter in

Boston. Having accidentally discovered the wreck of a Spanish treasure-ship, he allured King James into a joint adventure for searching for the cargo. A frigate was accordingly placed at his disposal by the Governor of Jamaica, and his divers were so expert, that he fished up several thousand pounds worth of gold. The King was astonished and delighted with his successful speculation, and in return for his large share of the profits, honoured him with knighthood, and a patronage, that in a subsequent reign procured for him the government of the colony. The manners of early life, however, are neither ameliorated nor obliterated by the sudden acquisition of wealth; and as his arm was more powerful than his reason, he never failed to resort to its use, to enforce his arguments or his orders upon his subordinate officers. His attacks on his enemies, as a military man, were less successful than his assaults on his officials in the street, in which his victories, by exciting complaints, compelled him to go to England, to vindicate his conduct. He died soon after his arrival, or his name would doubtless have been found in the long list of colonial rulers, to which

I have already alluded, whose unfitness for governing has presented no obstacle to their preferment.

The Legislature of New York followed in the footsteps of Massachusetts, so contagious is bad example, and passed an act, declaring its inalienable rights, &c., which met with a similar reception in England, and was disallowed. At the same time a singular scene took place in Connecticut, that exhibits in a very striking light the determination of the people to submit to no interference whatever. For the purpose of insuring more unity of action in the event of invasion, Governor Fletcher, of New York, was vested with plenary powers, of commanding the whole militia of Connecticut, and insisted on the exercise of that command; the Legislature, knowing that authority to be expressly given to the colony by Charter, would not submit to his requisition, but desirous of effecting a compromise, sent an agent to New York to make an arrangement, until his Majesty's pleasure should be further known. No terms, however, could be made with the Governor, short of an implicit obedience of the militia to his authority.

On the 26th of October, he came to Hartford, whilst the Assembly was sitting, and in his Majesty's name demanded submission. The Assembly resolutely persisted in a refusal. After the requisition had been repeatedly made, with plausible explanations, and serious menaces, Fletcher ordered his commission and instructions to be read to the train-bands of Hartford, which had prudently assembled on the occasion. Wadsworth, the senior officer, who was at that moment exercising them, instantly ordered the drums to beat, which in a moment overwhelmed every voice; the Governor then commanded silence, but no sooner was a second attempt made to read, than Wadsworth vociferated the same order to the drummers, who instantly beat up again with redoubled energy. At the first pause he called out again: "Drum, drum," and turning to his Excellency, said: "If I am interrupted again, Sir, I will make the sun shine through you in a moment." To avoid personal outrage he was obliged to return to New York, when, to his infinite mortification, he was soon after informed, by the Crown lawyers of England, that the control

of the militia legally belonged to the colony, as Charles II. had divested himself, by his reckless grant, of every particle of authority whatever.

The effects of the recent political changes in England were visible all over the Anglo-American continent. In addition to the instances of intractability, just referred to, even Pennsylvania, though opposed to carnal, was willing to indulge in political conflicts, and bartered her money for the support of government, "on the express condition of settling the people in their former constitution." Maryland, more obedient than many others, still resolved, "that the great Charter of England should be observed in all points." Two new doctrines were promulgated, and found willing advocates everywhere, one (which originated with a Puritan minister of Boston) was: "That they were not bound in conscience to obey English laws, as they were not represented in Parliament:" the other was: "That colonists were as much Englishmen, as the inhabitants of that country; and therefore had a right to all the same privileges."

The misconduct of Phipps and other go-

vernors, in conniving at the evasion of the laws of trade, brought about at this period some very important changes. Complaints were constantly made to the ministry by governors, who were unable to execute their orders, and by merchants whose commerce was injured by the total disregard of the colonists to the Navigation Acts. "During the war," says Davernant, "the colonies have presumed, as it were, to set up for themselves, and to load their effects on board of ships belonging to foreigners, and to trade directly with other nations; sending them their commodities, and receiving from thence manufactures, to the great damage of this kingdom." To meet the exigencies of the times, the Board of Trade was established in 1696, of which the celebrated Locke was a member. This was a permanent commission, consisting of a president and eleven members, known as "Lords of Trade," who succeeded to the authority and oversight hitherto exercised by plantation-committees of the Privy Council. Subsequently the powers of this Board were somewhat curtailed, but down to the period of the American Revolution, it continued to exer-

cise a general superintendence of the colonies, watching the Assemblies with a jealous eye, struggling hard to uphold the prerogatives of the King, and authority of Parliament, labouring to strengthen the hands of the Royal Governors, and systematically to carry out the policy of rendering America completely subservient to the views which then prevailed of the commercial interests of the mother country.

Parliament devoted a large portion of its sittings that year to American affairs. The House of Lords represented to the King that, "Having considered the state of the trade of this kingdom to the plantations, they had found many abuses of the several good laws made for their government, and very illegal practices carried on, to the great detriment of the kingdom, whereby the act lately passed had been greatly obstructed;" they recommended therefore, "That the proprietaries should be obliged to give security in England, that their governors shall constantly obey the Royal instructions for the execution of the laws; and that Courts of Admiralty should be erected in the

various plantations, in order that offences against the laws of navigation might be no longer decided by judges and jurors, who were themselves often the greatest offenders." The proprietaries declined to give the security demanded of them, which they thought no law required; the resolution of the peers, they considered, could not, however respectable, compel them to perform what they deemed in itself unreasonable, as their Sovereign had the power of withholding his approbation from their appointments, and they pleaded their charters, in opposition to the Royal nomination of admiralty officers. Having heard their counsel, the Crown lawyers determined that no colonial patent prevented the King from establishing an admiralty jurisdiction, within every dominion of the Crown. The right of appeal from the colonial courts to the King in council was also sustained, and by this double means the mother country acquired at length a judicial control over the colonies, and with it a power, afterwards imitated in the federal constitution of the United States, of bringing her authority to bear not only upon the

colonies as political corporations, but, what was much more effectual, upon the colonists as individuals.

By a contemporaneous Act of Parliament, the various statutes for carrying the acts of trade into effect were consolidated, and new and more stringent provisions were added. Any direct trade between Ireland and the plantations was totally prohibited, that country being put, in this respect, in a worse position than any in the world. The pretence was, that if trade of any sort was allowed, it would be made a cover for smuggling innumerable articles. An oath to enforce the acts of trade was imposed upon the Governors of the chartered colonies, their appointment also was made subject to the Royal approval; all colonial statutes or usages conflicting with acts of trade, past or future, were declared void. The same powers were conferred on the King's revenue officers in America which they possessed in England; their number was increased, and at their head was placed, as Surveyor-General, the active and persevering Randolph, so conspicuous formerly in the history of Massachusetts.

Free-trade soon made freebooters, who found (with the honourable exception of Maryland) shelter for their ships, and provisions for themselves everywhere, among a sanctimonious people, who while they piteously sighed over their offensive occupation, encouraged it by purchasing their plunder; and it was with great difficulty and expense that piracy was finally suppressed.

After a long interval, in which the Deputy and Lieutenant-Governors administered the affairs of the State, Lord Bellament arrived at Boston, and was duly sworn into office. He also had the mortification to find that he had no fixed salary, and that his official income depended upon an annual vote in the Legislature, a humiliating position that opened a door to constant annoyances, and enabled the two Houses to make it his interest to neglect his duty, by starving him into submission. In the subsequent administrations, it became the rallying point for the two contending parties of Patriots and Loyalists, and excited contentions, in which the authority of the Crown was gradually weakened, and its

dignity greatly diminished. He experienced, however, no difficulty on this subject himself, and as there was but little that occurred in his time, bearing on the subject of this inquiry, we might dismiss him with this short notice. But he was a man in advance of the age in which he lived, and we may spare a moment to pause and admire him.

He was a true specimen of a great, liberal Governor. He made the most of his rank by his great condescension and suavity of manner; he was accessible at all times, and affable and courteous on all occasions. Although an Episcopalian, he professed to entertain most tolerant opinions on the subject of dissent, and a special respect for congregational churches, and their pastors, and above all a most pious horror of Popery. He avoided anything like controversy with individuals, or either branch of the Legislature, and what he could not obtain by address, he refused to secure by compulsion. He attended the weekly lectures at the principal conventicle, and listened with the utmost attention, and evident edification, to the long, confused, and prosy compositions of the divines.

On one occasion, when returning from a self-imposed penance of this kind, he thus addressed an apothecary, whom he saw standing near the door of his dispensary—"Oh! Doctor, you have lost a precious sermon to-day." "Yes, my Lord," was the equivocal reply, "I have; but if I could get only half as much by being there as your Lordship will, I should have attended also." This *double entendre* deserved and received a most gracious smile of approbation.

He was the first Governor, who, in imitation of the Lord-Lieutenant of Ireland, opened the Legislature by delivering a formal written address. It was a novelty, and as such not likely to be acceptable to a people who disliked all innovation on their established forms; but whilst it well comported with his dignity, it conferred additional weight and importance on themselves, and was therefore approved. He knew how much the family of the Stuarts was dreaded and hated in New England, and how acceptable a censure upon them and their principles would be. His first and last speech was filled with pious horror at their religion, and patriotic indignation at their arbitrary

conduct. His Lordship was only fourteen months in the province, when he went to New York. For this short period the Assembly voted £2500, an infinitely larger sum than any of his predecessors ever received, or any of his successors could obtain, even when the inhabitants were more numerous, and more opulent; and money, when compared with the necessaries of life, had become less valuable. To engage the attention in this manner of the cold and cautious Puritans, and set them gaping with wonder and delight, while their pockets were emptied of their contents, was a feat of professional skill which does equal honour to his Lordship's dexterity, and to his sound, liberal principles.

The government was now conferred upon Mr. Dudley, who had been the first President after the loss of the Charter, and who thereby rendered himself so unpopular, that when Sir Edmund Andross was seized and sent to England, he was also imprisoned and transported with him, to take his trial. As a Governor of Massachusetts, the selection was unfortunate. It was known that from fortuitous circumstances,

he was obnoxious to his countrymen; and the slightest knowledge of human nature, would have suggested to the Ministry, that in a small and isolated community like Massachusetts, he would have to encounter the jealousy of rivals, the hatred of party (when his opinions were all known) and the odium arising from personal infirmities, from which no man ever was, or can be exempt. As a ruler of any other American colony, no man could be better qualified than he was. Intimately acquainted with American feeling and prejudices, he knew how to respect the one, and how to avoid shocking the other. He was well informed as to their wants, the resources, and the common danger to which they were all exposed, from the Indian tribes and their French neighbours. A lawyer, a man of business and talents, and above all a colonist, having a sympathy with the people, who were his countrymen, and an affection for the continent where his lot and that of his children were cast, his interest was identified with those on whom he was to exercise jurisdiction, while his desire to serve the Crown was restrained from running into tyranny by the knowledge,

that while he abrogated the rights of the inhabitants, he was restricting the liberty of his own posterity.

To appoint a colonist to preside over his native province, for the reasons above stated, would, at any time, be a hazardous experiment; but there is no class of men so competent and so desirable for those at a distance, while at the same time no course of policy could be more conciliatory and grateful. The experiment, however, was not doomed to be often tried. When the office became worth having, needy dependents at home found that family connexion or parliamentary interest was a better recommendation than experience or ability, and politicians discovered that the greatest advantage of a colony, was that it presented a field for patronage.

The republican or patriot party, availing themselves of the unpopularity of the Governor, gained the ascendancy in the Legislature. Their first step was to choose a Speaker personally offensive to him, and when he rejected him, to deny his right under the Charter to do so. By special instructions from England, he laid three

commands of his Majesty before them. First, the rebuilding a fort in Maine, which had become dilapidated; secondly, the erection of another in the same territory, as a check upon the Indians and French; and thirdly, establishing fixed and suitable salaries on the Governor and Lieutenant-Governor, and the Judges; but they refused all three, and the Council supported them in their contumacy. With respect to the last, they felt the advantage they had over those officers, and were determined to maintain it. They had lost the power of appointing them, and were resolved to render their situations of as little value as possible. The Ministry, on the other hand, with a negligence or timidity that it is difficult to comprehend, suffered this degrading subject of annual discussion to be continued. The Assembly accordingly voted very small sums for the year for this purpose, and reduced the proportion appropriated to the representative of royalty to the smallest amount possible.

The patriot party were predetermined on every species of annoyance in their power, and when so unjust a feeling exists, scruples as to

the means are seldom found to be any effectual impediment. A small vessel had been sent with a flag of truce to Nova Scotia, for the exchange of prisoners, and after a protracted voyage returned with only seventeen; and being again ordered on the same duty, procured the release of seven more. It was immediately whispered about the country, that the ill success of the application, and the unusual length of time spent in the negotiation, was owing to the Captain having, under the protection of the flag of truce, been engaged in trading with the enemy, and furnishing them with supplies—the Governor not only being privy to it, but participating in the profits. The House immediately voted that it was a fit subject for parliamentary inquiry, as the Supreme Court had no jurisdiction in such a case, and put the master, and five other persons supposed to be implicated, upon their trial, and thereby placed his Excellency in the dilemma they so much desired. If he should interfere to stop their proceedings, the inference would naturally be drawn by the whole province that he was a *particeps criminis;* and if he suffered the

inquiry to proceed, it was possible some of the prisoners, to save themselves, might be induced to join in an accusation against him. There was as little evidence against the parties charged with treason, as there was ground for supposing the Governor had any knowledge, or even suspicion, of their harbouring such a design. They were all, however, found guilty. The Captain was fined twelve hundred pounds, and incapacitated from ever holding office in the colony. It was even proposed to compel him to sit on the gallows for an hour with a rope round his neck, but this ignominious part of the punishment was afterwards withdrawn. The fines imposed on the others were equally excessive. Six laws were then drawn up to legalize these measures, and passed with as little delay as possible, but were all very properly disallowed in England; and this infamous act of oppression, and the cruel and wicked insinuations against the Governor, confirmed and strengthened, rather than impaired, his influence with the Ministry. To the contumacy of the House was added the insolence of the preachers, who endeavoured to recover their lost popularity with the patriots

by warmly espousing their cause, and lending the weight of their names to foment the general discontent. To promote this object they ridiculed the Governor in their public ministrations, their intercourse with the people, and printed pamphlets, and annoyed him with the most abusive and insolent letters.*

* In the third volume of the "Massachusetts Historical Collection" are preserved some extraordinary specimens of the latter, written by Dr. Increase Cotton Mather. The Governor replied to these meddling divines with becoming spirit, as will be seen by the following extract:

"Roxburg, February 3, 1707-8.

"Gentlemen,

"Yours of the 20th instant I received, and the contents, both as to matter and manner, astonish me to the last degree. I must think you have extremely forgotten your own station, as well as my character; otherwise it had been impossible to have made such an open breach upon all the laws of decency, honour, justice, and Christianity, as you have done in treating me with an air of contempt and superiority, which would have been greatly culpable towards a Christian of the lowest orders, and is insufferably rude towards one whom Divine Providence has honoured with the character of your Governor.

"In many of the matters of fact you labour under

The object of this part of the work, as we have seen, is to show that for the first half century after its settlement, Massachusetts, to all intents and purposes, was a republic; that when it was subsequently merged into a government in which royalty had some share, that small portion was never submitted to willingly, and was only permitted to exist until the people were able to extinguish it altogether. In selecting such portions of the annals of this period as illustrate this position,

great mistakes, which have been taken up with great credulity; and indeed you have raked together whatever has been imputed to me these many years, either through prejudice or mistake, and seem to think the bruit of a town a sufficient foundation to build a charge on. As to some other things contained in your charge, I cannot esteem you competent judges. The articles, are so many contained in your letters, that it would be endless to labour your satisfaction by writing, which you must not further expect from me. In the mean time I expect you, as subjects of the Queen, as Christians, as messengers of the gospel of peace, to lay aside all methods to blow up sedition, or abet such criminal reports of maladministration as tend to debauch the minds of her Majesty's good subjects of this province from their duty and allegiance."

it is somewhat difficult to decide what shall be brought forward and what rejected. To go at large into the investigation, would be to write a history of New England: to preserve so much only as is necessary to support the theory, necessarily gives the narrative somewhat of a disjointed appearance. It is an evil, however, incident to the inquiry; and it would seem on the whole better, perhaps, to err on the side of brevity, than to overload the work with particulars, that may weary the reader with their minuteness, or are too provincial to interest his attention.

The Governor retained his office for about fourteen years, or until the accession of George I., when he was superseded, by the appointment of Colonel Shute, an experienced officer, who had served under William III. and the Duke of Marlborough. Mr. Dudley's firmness, attention to business, impartiality, and general information, made him a most useful, and latterly a respected Governor; and had he been employed anywhere else but in his native province, he would doubtless have been held up as a model for the imitation of others. Colonel Shute was soon found to be deficient in the con-

stitutional information, prudent firmness, and tact that distinguished his predecessor, and the republican party obtained an easy victory over him.

One of the first steps taken by the House, in order to carry out their chartered rights to the fullest extent, was to pass an act imposing a tonnage duty on English shipping, and a tax on the importation of British and West India productions, which, being incautiously assented to by the Governor, drew down upon him a reprimand from the King. Notwithstanding this well-known fact, they sent the same bill to the Council the following year, which caused some acrimonious discussion. In 1720 they elected for their Speaker a person with whom they knew the Governor had had a serious rupture, in order to irritate and annoy him. This choice he declined to confirm; and as they persisted in refusing (*nem. con.*) to proceed to a new election, he dissolved them. At their next meeting they evaded a renewal of the contest on this point, but sent him a remonstrance on the subject of his veto, re-asserting their right, and concluding with these words: "And we earnestly hope and desire that the

province may never have an Assembly that will willingly forego such a valuable privilege, as King William and Queen Mary of ever blessed memory graciously favoured the province with, when they gave their Royal assent to a law directing and governing the affairs."

Their next step was to insist upon the local appointment of all notaries, who had hitherto received their commission from the Archbishop of Canterbury; and, to manifest their repugnance to even the appearance of Royal authority, they resolved that for the future no public money should be expended at times of public rejoicings, which was intended to embrace such events as the King's birth-day, accession, coronation, and similar occasions. They then reduced the Governor's salary, notwithstanding it had already been greatly diminished by the depreciated state of the currency. In the meantime their resistance to the prerogative, and stout maintenance of the assumed rights, became so popular, that at their next session they passed a resolution for going to war with the Indians, for raising troops for the purpose, the appointment of a Sheriff to accompany them,

and also for the appointment of Inspectors, with power to visit forts, muster the soldiers, and so on, without the concurrence of the English aristocrat, as they called the Governor.

In the session of 1721 the Governor, by instructions from home, recommended them to adopt five different measures of pressing importance, among which was one to make permanent provision for the support of the King's representative and the judges, to all of which they returned him a distinct refusal. Their next attempt at an invasion of the prerogative, was an endeavour to induce the Council to join them in issuing a proclamation for the observance of a fast, and thereby anticipated the Governor, and superseded his authority. The Council declined to concur with them, alleging that they could find no precedent to justify them, to which they replied, "that if such things had not the sanction of the whole court, people would not be liable to punishment for disobedience." His Excellency desirous of maintaining, if possible, a good understanding with them, as far as was compatible with his responsibility to the Crown, deviated

from his usual course, and inserted in his proclamation the words, "by and with the advice of his Council, and upon a motion of the House of Representatives." But republican feeling and prejudice are not easily conciliated by Royal condescension. Courtesy is a term not understood where the power is all on one side; unconditional surrender and submission are the only admissible terms. The House refused to join in any compromise, and not only declared that they never had made any such motion, but expressly ordered their members not to promulgate any copies of the mandate among their respective constituencies.

The people now adopted the views of their delegates, and the advice of their clergy, and returned the same members to the next house, with strict injunctions to reduce the "foreign despot" to a mere nullity. They again elected for Speaker the same man whom he had before negatived, and to prevent him from having the opportunity of expressing his disapprobation, altered the form of the message, and addressed it to the Governor and Council jointly, informing them that they had chosen their Speaker, and were now ready

to proceed to business. His Excellency, who had some skilful advisers about him, affected to misunderstand their meaning, and assuming that they thereby admitted his right, and requested his approbation, much to their surprise, informed them that he confirmed their election.

Many minor acts occurred, evincing the same spirit of encroachment and insubordination. But one is worthy of record, as an evidence of the intractable temper of the people, on whatever side they were ranged. During the prayer, with which their proceedings were invariably opened, it was observed that an old Royalist, of the name of Philip Tabor sat, instead of standing up, as was customary. Upon being asked by the Speaker why he adopted this unusual course, he replied, that their conduct had been so extraordinary of late that he felt he could not address his Maker by the name of "our Father," as it was impossible He could be the parent of such rebellious children. The House immediately resolved that "he be expelled, as unworthy to be a member thereof." The dispute relative to the Governor's salary increased

in violence every year, until at last they refused to consider the vote at all, until after the period elapsed for his signifying his assent or dissent to the bills they had already passed. They also adjourned themselves for a week, for which they were again dissolved.

At the following session they chose the same obnoxious Speaker, and sent a message to the Governor informing of it. He returned them a written approval of their selection, but the House informed him, they had merely given him the notice out of respect, but that they did not require his sanction. In the meantime the opinion of the Attorney-General of England, in favour of the Governor's right to veto the appointment of a Speaker, and the approbation of the Lords Commissioners of Trade of the Governor's conduct, having arrived, he laid them before the Assembly; but they were unwilling to be bound by them. They prepared a remonstrance, in which they justified their conduct, and that of the other Assemblies, in this matter, and declared, that with all due deference to so high a legal authority, they still claimed, and

insisted on, their right of solely electing and constituting their Speaker. The salary of the Governor was still further reduced to one hundred and eighty pounds sterling for the half year, although his instructions required him to insist on a permanent provision of one thousand per annum; while a continual system of encroachment on the prerogative was ingeniously but perseveringly persisted in, until finding all ordinary and constitutional means fail, and having been shot at in his house, he suddenly embarked for England, and formally lodged a complaint against the Assembly, under seven distinct heads.

1. "In their behaviour with respect to the trees reserved for masts for the Royal Navy.

2. "For refusing to admit the Governor's negative upon the choice of a Speaker.

3. "Assuming power in the appointment of days of fasting and thanksgiving.

4. "Adjourning themselves to a distant day, by their own act.

5. "Dismantling forts, and directing the artillery and warlike stores to other than

the custody of the Captain-General, or his order.

6. "Suspending military officers, and refusing their pay.

7. "Appointing committees of their own to direct and muster his Majesty's forces."

An explanatory Charter was the consequence of these complaints, expressly conferring the right to negative the choice of a Speaker, and limiting the power of the House to adjourn itself to two days at any one time. But the main objects in dispute were left undecided.

Preferring a pension and retirement into private life, to re-assuming the government of a turbulent and factious people, Colonel Shute very wisely relinquished the office, and remained in England. Mr. Burnet, late Governor of New York and the Jerseys, was appointed his successor. He was son of the celebrated Bishop Burnet, and was a man of great quickness of parts, amiable, of great firmness of purpose, and unimpeachable character. The whole term of his administration was occupied by the wearisome contest about his salary, which so effectually destroyed his domestic comfort,

that he injured his health, and finally fell a victim to it, and died in the colony. On his first assuming the Government he informed them that his instructions were peremptory, not to accept anything short of a permanent and fixed salary, during his continuance in office, and that he should inflexibly adhere to them. The Assembly knew that his private fortune was inadequate to his support, and therefore meanly hoped, by supplying his temporary wants, to induce him to waive a strict obedience to his orders, and accordingly voted him a most liberal provision for the current year, which they accompanied with an address, repeating the old hackneyed abstract: "Undoubted right of Englishmen to raise and apply money for the support of Government," announcing their willingness to give an honourable and ample provision; but expressing their conviction that it would be most beneficial for his Majesty's service to do so, without establishing a fixed salary. The Governor, who was as much distinguished for readiness, as ability, answered, that the right of Englishmen could never entitle them to do wrong, that their privilege of

raising money was by Charter expressed to be by wholesome and reasonable laws and directions, consequently not such as were hurtful to the constitution, and the ends of Government; that the mode in which they proposed to provide for him could not be honourable, for it deprived him of his undoubted right as an Englishman, and the King's representative, to exercise his judgment, or compelled him to remain without support; and appealed to their own consciences, whether, upon former occasions, they had not withheld the allowance until certain bills were passed, and whether they had not sometimes made the grant contingent upon the allowance of such bills; and concluded by telling them, if they really intended from time to time to grant him an honourable support, they could have no just objection to making their purposes effectual, by at once fixing the amount, for he never would accept it in any other form. They however avowed their determination to adhere to their decision, and he remained unpaid.

It would be tedious to follow this subject further into detail. The people of Boston, at a

general meeting of the inhabitants, passed a resolution, approving of the proceedings of the House; and by their violent conduct overawed those who were for preserving an understanding between the several branches of the Legislature. The Governor, with some humour, observed, that there might possibly be some charm in a name, or some hidden meaning in selecting it, and as Salem and Concord were both within a reasonable distance, he would convoke the Legislature successively to those places, where they would be beyond the reach of the turbulent inhabitants of the capital. The first was tried with no better success; after which they were directed to assemble at Cambridge. At the latter place, a detailed report of the Committee of the Privy Council was exhibited to them, in which his Excellency's conduct was as highly approved as that of the Local Assembly was condemned, and the whole matter was recommended to be submitted to Parliament. The revolutionary feeling, however, was too strong to be influenced either by reason or fear. Instead of retracing their steps, they determined to persevere, and appointed an agent

in England to defend their conduct, and voted a salary to him, in preference to the Governor. Burnet, embarrassed in his means, and hampered and oppressed by this continued and offensive struggle, fell at last, as we have seen, a victim to the imbecility of the home, and the implacability of the local powers. The Assembly ordered an honourable public funeral, many of the patriots observing, with Puritanical charity, that a dead Governor was better than a living tyrant, and that burying the representative of royalty was an expense which the public would defray with great pleasure.

While these disputes were disturbing the peace of Massachusetts, similar difficulties occurred at New York, and Governor Hunter, "tired," as he said, "of begging his bread," and finding that the threats of the Board of Trade, and of Parliamentary interference, were viewed in the light of "bullying letters," condescended to obtain by intrigue, and a high-handed exercise of power and patronage, what he could not procure by constitutional means.

Mr. Belcher was appointed to succeed to the vacant command at Massachusetts, August,

1730. Warned and irritated by the defeat of preceding Governors, the King furnished him with much stronger instructions than had ever yet been given, on the disputed subject of the salary. He was told: "'if the Assembly refuse to comply, his Majesty will be under the necessity of laying the undutiful behaviour of the province before the Legislature of Great Britain, not only in this single instance, but in many others of the same nature and tendency; whereby it manifestly appears, that the Assembly for many years past has attempted, by unwarrantable practices, to weaken, if not cast off, the obedience they owe to the Crown, and the dependence which all colonies ought to have on the mother country." He was also instructed that, "his Majesty expects that they do forthwith comply with this proposal, as the last signification of His Royal pleasure, and that you do come over immediately to this kingdom of Great Britain, in order to give him an exact account of all that shall have passed upon this subject, that he may lay the same before Parliament." He was not more fortunate, however, than his predecessors, and finding at last that

the General Court would not recede from their resolution against settling a salary, he directed his exertions to procuring an establishment during his continuance in office; but after flattering prospects of succeeding thus far, he failed even in this, and thenceforth gave up all idea of carrying the measure. He finally obtained leave of the Crown to accept such terms as should be granted, and so terminated, for this time, one of the most memorable conflicts between the Crown and the province which its political history hitherto affords.

In this struggle, we may see a precedent never forgotten in the colonies, of the ultimate success of agitation, whenever spiritedly pursued for any length of time; of the want of firmness in the British Government, even in those matters in which it has both reason and justice on its side; and of the facility with which her friends who consistently support imperial control, and prerogative rights, are abandoned to the triumph of their enemies, and the unpopularity and odium necessarily attending the advocacy of measures opposed to the passions and prejudices of the people. Extorted concessions are regarded as

acts of necessity, and not benevolence, and are neither entitled to, nor receive gratitude, while the abandonment of allies, without reward or protection, is an act of treachery, that not only repels future confidence, but increases the relative forces of the enemy, by detaching indignant and injured adherents. Now that the main question of a permanent salary was abandoned, the office became of little value, in point of emolument, while the increased impulse given to republicanism by the surrender of principle, rendered it still less desirable, from the perpetual struggle of parties.

Up to this period every candid person must admit that the American colonists had nothing to complain of; the only just cause of regret being one, which they regarded as their greatest happiness, namely ignorance, or indifference on the part of England of what they were doing, and a total neglect, arising in part from these causes, and in part from inability to bestow her attention on anything else than her own more immediate concerns. A century had thus been allowed to elapse before the advantages of colonies began to be appreciated, or their forms

of government properly adjusted, during which period a feeling had arisen of great repugnance to imperial control on the one hand, and a distrust of the tendency of Americans to republicanism on the other. New generations had grown up, on either side of the water, who knew nothing of each other; whose interests were apparently as distant as their respective positions, and who scarcely felt or acknowledged those ties of friendship that could alone bind them together.

One would naturally suppose that after such an experience of colonization, ending in so fatal a result as the American Revolution, Great Britain would have avoided the effects of similar ignorance or neglect, if it were not, unfortunately, but too plain that the lessons of history, like personal experience, are of little use to any but the immediate actors. People living near together like the English, and inhabiting the same country, know as little of each other as if the sea rolled between them. Such are the advances of civilization, and such the effects of constitutional changes of modern times, that the country may now be said, for all practical purposes,

to possess but two orders, as of old, the rich and the poor; for the middle class is nearly absorbed by one or the other of these great bodies. There is now an aristocracy of wealth among the untitled manufacturers, as well as of land among the peers, and there is a third of letters and of talent, that limits the sphere and the power of both, by raising or reducing them to its own level; while the ramifications of the lower class are extended far into the ground hitherto occupied by the middle orders. Social distinctions are still well defined and palpable enough, though by no means so strong as formerly. Politically considered, therefore, there are but two classes among the people of England, but how little does either know of the other. Where is there a body in the world so distinguished for its ability, learning, high religious and honourable feelings, its munificence in all public undertakings, and its unbounded charity in the social relations of private life, as the aristocracy of England? On the other hand, where is there a population, possessing such manly independence of conduct, and patient endurance of trial and privation, and such an obedient submission to

constituted authority, and so many of those virtues that adorn and dignify the character of man, as the lower orders of Englishmen? Yet they are so wide apart, the line of distinction and demarcation is so strong, that they neither know each other's value, nor do justice to each other's integrity. Too many of the poor regard the lords as men devoted to pleasure, possessing the means, and indulging the excesses of profligacy, and squandering the hard earnings of the labourer in riotous living. While the noble, on his part, looks at the dark cloud that envelopes the lowly dwellings, and conceals the persons of the poor, with instinctive fear. The sound of many voices fills him with dread, lest it should be the distant thunder that forbodes the storm; and when he recollects that the highway robber, the murderer, the incendiary, and the burglar, lie hidden in the loathsome dens of destitute and hopeless wretchedness, he is but too apt to associate the idea of poverty with crime. There is no Atlantic to divide and keep them apart; but there is a neutral ground that lies between them, occupied by a banditti of Irish agitators, English free-traders, free-

thinkers, demagogues, and political adventurers, that cut off all intercourse, and intercept all mutual correspondence. Their daily subsistence is derived from the credulous support of the poor; while the fertile regions of the rich afford valuable prizes to their fraudulent peculations, or their violent forays. They have impoverished both. Under the wicked pretence of cheap bread, they have lowered the wages of the labourer, and at the same time, by causing a reduction of rents, and of the value of real estate, have disabled benevolence from giving employment to the industrious poor. The ground these unprincipled people occupy pertains to the Church, and the sooner she is enabled to recover possession of it, and, by salutary example and sound teaching, to root out these pernicious intruders, the better for the peace, prosperity, and happiness of the nation.

If such a state of ignorance exists among the population of a country like England, as to the character, condition, feelings, and wants of its several orders, we may cease to wonder that so little was formerly known of the colonies, by those whose interest and duty it was to inform them-

selves. But though the history of republicanism in America may excite but little interest among statesmen, as to the remaining provinces, with which they appear utterly incapable of dealing, it may be a salutary study to those visionary men in Europe, who have the vanity to think that they are able to copy the admirable form of Government of the United States, or can find a country fitted for it, or a people who have the knowledge, perseverance, coolness, or skill to keep it in operation and repair.

CHAPTER III.

SKETCH OF POLITICAL EVENTS FROM 1740 TO 1763.

Review of the state of the colonies from the commencement of the century—Trade, imports and exports—Attempts at domestic manufactories discouraged—Provincials prohibited from exporting wool from one colony to another, or to foreign countries—State of the Church of England in America—Attempt of the Society for Propagating the Gospel to introduce Bishops, grossly misrepresented—Alarm felt at the spread of Church principles, in consequence of the secession of several eminent Dissenting divines—A man fined fifty pounds for maintaining that no other but episcopal ordination was valid—Universal disregard of the laws of trade—Rebellion in Carolina—Establishment of a general post-office—Opposition to it—Proposed scheme for confederating all the colonies—Its details—The plan very similar to that of general government—Frequent assemblies of general officers and governors suggest the idea of Congress—Dispute between Lord Loudon and the General Court about

supplies for the troops—Attack on the judges, and also the custom-house officers—Question as to legality of writs of assistance—Speech of Mr. Otis—Peace of 1763.

In order to preserve the account entire of the controversy about fixed salaries, many incidental matters of interest have been omitted, which if now thrown together in a retrospective review will enable us to judge of the state of the colonies during the last forty years. The trade of the provinces, notwithstanding the restrictions to which it was subject, was greatly augmented. In the latter years of William III. the annual exports of the provinces to England amounted to about £320,000. The imports were nearly the same. The traffic with Europe, the West Indies, the Canaries, and the Azores, the greater part of which was illicit, was estimated at about an equal amount. The "plantation duties" collected in the colonies were sufficient to pay the expense of the custom-house establishment, and to leave a net surplus of £1,200 a-year.

Schemes continued to be indulged in America for the encouragement of domestic manu-

factures; but these enterprises, and the acts of the Assemblies for promoting them, were regarded in Great Britain with much jealousy. Woollen cloths, at that time, were the chief English production for exportation. A law, designed to cramp this business in the colonies, prohibited the transport of domestic woollens from one province to another, or the export of colonial wool or cloth to any foreign market.

At the commencement of the century, the venerable Society for Propagating the Gospel in Foreign Parts was incorporated. No religious association, perhaps, in the world, has produced so much good, or is at this moment diffusing so much benefit over the distant parts of the empire. Although its first efforts were comparatively feeble, from the state of its funds, its salutary influence was visible in the extension of the Church, and the dissemination of good sound principles. Throughout the colonies new congregations were forming, and additional pastors demanded. At last the Society became sensible of the error that had originally been committed, and was still allowed to continue, in its missionary work in America, in not placing

the clergy under proper episcopal control. To remedy this evil, it was proposed to send over bishops. But knowing the imputations to which their conduct would be subject, and the misrepresentations of their motives, which would be maliciously invented, and vindictively circulated, they stated the object they had in view, and the limited extent of jurisdiction they required.

They assured the colonists, 1st, "That no coercive power is desired over the laity in any case, but only a power to regulate the behaviour of the clergy who are in episcopal orders, and to correct and punish them according to the laws of the Church of England, in case of misbehaviour or neglect of duty, with such power as the commissaries have exercised. 2nd. That nothing is desired for such bishops that may in the least interfere with the dignity, authority, or interest of the Governor or any other officer of State. Probates of wills, licence for marriage, &c., to be left in the hands where they are, and no share in the temporal government is desired for bishops.

3rd. The maintenance of such prelates not to be at the charge of the colonies. 4th. No bishops are intended to be settled in places where the government is in the hands of Dissenters as in New England, &c., but authority to be given only to ordain clergy for such Church of England congregations as are amongst them, and to inspect into the manners and behaviour of such clergy, and to confirm the members thereof."

As the Society feared, their avowal awakened a storm of sectarian opposition and abuse, that unfortunately terrified them from proceeding with their laudable and necessary plan of giving effect to the teaching and discipline of the Church. It was observed everywhere that Episcopalians were loyal subjects and averse to those schemes of separation, which were now becoming so general and so popular; but the secession of several eminent Dissenting ministers alarmed the Puritans still more. The Connecticut College, transferred from Saybrook to Newhaven, and named Yale after one of its early benefactors, had been latterly entrusted

to the rectorship of the Rev. Timothy Cutler, a minister of talent and distinguished learning. To the surprise and alarm of the good people of New England, Cutler, with the tutor of the college and two neighbouring ministers, took occasion, on a commencement day, to avow conversion to Episcopacy—a lapse in which they persisted in spite of an elaborate, and, as the audience thought, most convincing argument set forth on the spur of the moment by the Governor, Saltonstall, in favour of Congregationalism. Cutler was forthwith excused from all further service as rector of the college, and provision was made for requiring of all future presidents, satisfactory evidence of the soundness of their faith in opposition to Armenian and prelatical corruptions.

This prompt discipline, and the vehement outcry raised against the deserters, terrified and stopped several others inclined, it was suspected, to join in the revolt. Defection nevertheless continued to spread. Cutler became rector of a new Episcopal Church in Boston. The dismissed ministers were maintained as missionaries by the Society, and a new element through their

means, was gradually introduced into the religious system of Connecticut.

The jealousy excited by the secessions in Connecticut, was evinced in Massachusetts by the trial of John Checkley, afterwards ordained as an Episcopal missionary, and sent to preach in Rhode Island, for publishing Leslie's "Short and Easy Way with the Deists," with an appendix by himself, in which prelatic ordination was insisted upon as necessary to constitute a Christian minister.

This publication was charged with tending "to bring into contempt and infamy the ministers of the Holy Gospel established by law within his Majesty's province of Massachusetts." The jury having found a special verdict stating the facts, the indictment was sustained by the Court, and Checkley was fined £50.

At this period, a spirit of insubordination, occasioned in part by restraint on their trade, but more by the improvident grant of patents that conveyed self-government to its fullest extent, was observable all over the continent. The Board of Trade thus officially reports of the chartered colonies to William in March,

1701: "That so far from having answered the chief design for which such large immunities had been granted, they had not in general complied with the late Acts of Parliament; that they had not only assumed the power of making bye-laws, repugnant to those of England, and destructive to trade, but refused to submit their acts for approval, or to allow appeals, and continued to be the retreat of pirates and illegal traders, and the receptacle of contraband merchandize. That by exempting their inhabitants from the customs paid by other plantations, these independent governments undermined the welfare of their neighbours, and, by lowering the value of coins, turned the course of trade to the promoting of woollen and other manufactures proper for England, contrary to the true intention of such establishments. That their irregularities, arising from the ill use they made of their Charter, and the independency they pretend to, evince how necessary it becomes, more and more every day, to introduce such a regulation of trade, and such an administration of Government, as shall make them duly subservient to England. That since the Royal

commands had not been met with due obedience, it might be expedient to resume their Charters, and to reduce them to the same dependency as other colonies, which will be best effected by the legislative power of this kingdom." A Bill was accordingly introduced into Parliament, founded on this statement, but was allowed to be defeated by party, or neglected by ignorance or imbecility.

This very success emboldened aggression. In the southern part of the continent, where the presence of the war was but little felt, there was nothing to divert men's minds from these petty local disputes, which are generally acrimonious, as the population is limited in number, and cut off from frequent intercourse with the rest of the world. Carolina openly rebelled against the proprietors, and took the Government into its own hands. An association was then formed among the people for uniting the whole province in opposition to the proprietary; and the inhabitants, with scarcely an exception, subscribed the instrument of union. Governor Johnson, after a contest with the delegates on the subject, issued a proclamation for dissolving

them, and retired to the country. The representatives ordered his proclamation to be torn from the Marshal's hands, and proceeded to open usurpation. Assembling on their own authority, they chose James Moore, Governor, and, on a fixed day, proclaimed him in the name of the King. They next chose twelve councillors, of whom Sir Hovenden Walker was the president, and thus formed a constitution of their own free choice.

Johnson, the representative of the proprietary, having attempted to disconcert their measures, and create some embarrassment, now made his last and boldest effort for subjecting the colonists to his authority. He brought up the ships of war in front of Charlestown, and threatened to destroy their capital if they persisted in refusing obedience to constituted authority. The people, however, having arms in their hands, and forts in their possession, bade defiance to his power, and he relinquished his attempt to enforce submission to the old Government. Resistance was openly avowed and advocated in all cases, where the interest or the

pretensions of the provincials were interfered with.

About the same time, the jealousy so long felt in England, of the Charters of Connecticut and Rhode Island, found new expression in a project for uniting these colonies with New Hampshire, into a single Royal province; but the people, with their usual pertinacity, declared their resolution to part with none of their privileges unless "wrenched from them." Even the Post Office offered a ground for alarm and resistance. As early as 1692, a patent had been granted to a person of the name of Neal, for establishing posts in America. The system, introduced by him, had ever been irregular and imperfect, owing to the indifference or hostility of the people. At the expiration of this monopoly, in 1710, an Act of Parliament extended, in due form, the British Post Office to America. The principal department was established at New York, to which letters were to be conveyed by regular packets across the Atlantic.* The same

* The rates of postage, both packet and inland, were extremely moderate. On all letters from London to

Act regulated the rates of postage to be paid in the plantations, exempted the mail carriers from ferriage, and enabled the officers to recover their dues by summary process. So slow, however, was its progress, that eight years elapsed before it was extended to Virginia. Clamour instantly propagated objections to the principles of the Act of Parliament, as unconstitutional, and to the practice of the Post Office as inconvenient. Spotswood wrote to the Board of Trade in June, 1718, that "the people were made to believe that the Parliament could not lay any tax (for so they call the rates of postage) on them, without the consent of the General Assembly. This gave a handle for framing some grievance against the new office, and thereupon a bill was passed by both councils and burgesses, which, though it acknowledged the Act of Parliament to be in force in Virginia, doth effectually prevent its ever being put in

New York, and thence to London, was—single, 1*s.*; double, 2*s.*; treble, 3*s.*; ounce, 4*s.* The rate of all letters from New York to any place within sixty miles thereof, and thence to New York, was—single, 4*d.*; double, 8*d.*; treble, 1*s.*; ounce, 1*s.* 4*d.*

execution. Whence your Lordships may judge how well affected the major part of the Assembly men are towards the collection of this branch of his Majesty's revenue."

Morris gave information from New Jersey to the Board of Trade in June, 1743, that "the delegates are generally so fond of the example of the Parliament of 1641, and of their neighbours in Pennsylvania and New England, that it is easy to see what assemblies in these parts of the world are aiming at." To the Duke of Newcastle, he remarked, "it may, perhaps, seem strange to your Grace, that an American Assembly should make the passing of any law a condition, *sine quâ non*, of supporting the Government; but to what lengths they will carry their endeavours, unless they meet with some more effectual check than they have done, my superiors can best judge."

The Board of Trade reported that the Pennsylvanian Assembly, having passed several acts, which were found to offend equally against natural justice, the laws of England, and the Royal prerogative, containing the most dangerous claims, "that it was in vain to negotiate away

his Majesty's authority, since every new concession becomes a foundation for some new demand, and that of some new dispute." It also complained of the obstacles thrown in the way of its obtaining information. "We cannot conceal," they say, "the difficulty of procuring returns of the commercial affairs of New England, which will not appear extraordinary, when we acquaint your Lordship that the Assembly of Massachusetts Bay had the boldness to summon Mr. Jeremiah Dunbar before them, and to pass a severe censure upon him, for having given evidence at the bar of the House of Commons, with regard to their trade and manufactures."

To all these warnings, the Parliament was indifferent or inattentive, and the evil was allowed to extend itself to that degree, that when a remedy was attempted it was found to be incurable. The colonists, however, were fully alive to their interests, and lost no opportunity of advancing them. The most important subject at that time ever debated on this continent, was now fully considered in all its bearings, namely, a confederation of all the provinces, with a constitution as nearly as possible resembling that of

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the United States. This, doubtless, was suggested by the combination of the early plantations of New England, already referred to, while this more perfect and better matured plan, served as a model first for Congress, and convention, and then for the union of all the revolted colonies.

The interest and importance of the subject justify and require a detailed notice of it. The Board of Trade ordered an assemblage of delegates from all the Governments to be held at some central place, for the purpose of considering the subject of Indian affairs. To this meeting, which took place at Albany, on the 14th of June, 1754, six provinces sent commissioners. It is remarkable that Massachusetts not only empowered her delegates to act upon the object of the letter from the Lords Commissioners, but authorised them to enter into articles of union and confederation with the other Governments, for the general defence of his Majesty's subjects and interests in North America, as well in time of peace as in war. After mature deliberation, the following plan was agreed upon:—

"It is proposed that humble application be

made for an Act of Parliament of Great Britain, by virtue of which one general Government may be formed in America, including all the said colonies (Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina). Within, and under which Government, each colony may retain its present constitution, except in the particulars wherein a change may be directed by the said Act as hereafter follows:

PRESIDENT-GENERAL AND GRAND COUNCIL.

"That the said general Government be administered by a President-General, to be appointed and supported by the Crown, and a Grand Council, to be chosen by the representatives of the people of the several colonies, met in their respective assemblies.

ELECTION OF MEMBERS.

"That within months after the passing of such Acts, the House of Representatives that happen to be sitting within that time, or that shall be especially for the purpose convened, may

and shall choose members for the Grand Council, in the following proportion, that is to say, Massachusetts Bay 7, New Hampshire 2, Connecticut 5, Rhode Island 2, New York 4, New Jersey 3, Pennsylvania 6, Maryland 4, Virginia 7, North Carolina 4, South Carolina 4 : Total 48.

PLACE OF FIRST MEETING.

" Who shall meet for the first time at the city of Philadelphia, in Pennsylvania, being called by the President-General as soon as conveniently may be after his appointment.

NEW ELECTION.

" There shall be a new election of the members of the Grand Council every three years, and on the death, or resignation of any member, his place shall be supplied by a new choice, at the next sitting of the Assembly of the colony he represented.

PROPORTION OF THE MEMBERS AFTER THE FIRST THREE YEARS.

" That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the

number of members to be chosen for each colony shall from time to time in all ensuing elections be regulated by that proportion (yet so as that the number to be chosen by any one province, be not more than seven and less than two).

MEETINGS OF THE GRAND COUNCIL AND CALL.

" That the Grand Council shall meet once in every year, and oftener if occasion require, at such time and place, as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at, by the President-General, on any emergency, he having first obtained in writing the consent of seven of the members to such call, and sent due and timely notice to the whole.

CONTINUANCE.

" That the Grand Council have power to choose their Speaker, and shall neither be dissolved, prorogued, nor continued sitting, longer than six weeks at one time, without their own consent, or the special command of the Crown.

MEMBERS' ATTENDANCE.

"That the members of the Grand Council shall be allowed for their services, ten shillings sterling per diem, during their session and journey to and from the place of meeting, twenty miles to be reckoned a day's journey.

ASSENT OF PRESIDENT-GENERAL AND HIS DUTY.

"That the assent of the President-General be required to all acts of the Grand Council, and that it be his office and duty to see them carried into execution.

POWER OF THE PRESIDENT-GENERAL AND GRAND COUNCIL—TREATY OF PEACE AND WAR.

"That the President-General, with the advice of the Grand Council, hold or direct all Indian treaties, in which the general interest of the colonies may be concerned, and make peace or declare war with Indian natives."

[The two next clauses referred to the Indians.]

NEW SETTLEMENTS.

"That they make new settlements on such purchases by granting lands in the King's

name, reserving a quit rent to the Crown for the use of the general treasury.

LAWS TO GOVERN THEM.

"That they make laws for regulating and governing such new settlements, till the Crown shall think fit to form thereunto particular governments.

RAISE SOLDIERS AND EQUIP VESSELS.

"That they raise and pay soldiers, build forts for the defence of any of the colonies, and equip vessels of force to guard the coasts, and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any colony, without the consent of the Legislature.

POWER TO MAKE LAWS, LEVY DUTIES, &C.

"That for these purposes, they have power to make laws, and lay and levy such general duties, imposts, and taxes, as to them shall appear most equal and just (considering the ability and other circumstances of the inhabitants in the several colonies), and such as may be collected with the least inconvenience to the people;

rather discouraging luxury, than loading industry with unnecessary burdens.

GENERAL TREASURER, AND PARTICULAR TREASURER.

"That they may appoint a general treasurer, and particular treasurer in each government, when necessary; and from time to time may order the sums in the treasury of each government into the general treasury, or draw on them for special payments, as they find most convenient.

MONEY, HOW TO ISSUE.

"Yet no money to issue but by joint orders of the President-General and Grand Council, except where sums have been appropriated to particular purposes, and the President-General has been previously empowered by an act to draw for such sums.

ACCOUNTS.

"That the general accounts shall be yearly settled, and reported to the several Assemblies.

QUORUM.

"That a quorum of the General Council,

empowered to act with the President-General, do consist of twenty-five members, among whom there shall be one or more from the majority of the colonies.

LAWS TO BE TRANSMITTED.

"That the laws made by them for the purposes aforesaid, shall not be repugnant, but, as near as may be, agreeable to the laws of England, and shall be transmitted to the King in Council for approbation, as soon as may be after their passing, and if not disapproved within three years after presentation, to remain in force.

DEATH OF THE PRESIDENT-GENERAL.

"That in case of the death of the President-General, the Speaker of the Grand Council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the King's pleasure be known.

OFFICERS, HOW TO APPOINT.

"That all military commission officers, whether for land or sea service, to act under this

general constitution, shall be nominated by the President-General; but the approbation of the General Council to be obtained before they get their commissions. And all civil officers to be nominated by the General Council, and to receive the President-General's approbation, before they officiate.

VACANCIES, HOW SUPPLIED.

"But in case of vacancy by death, or removal of any officer, civil or military, under the constitution, the Governor of the province, in which such vacancy happens, may appoint till the pleasure of the President-General and Grand Council can be known.

EACH COLONY MAY DEFEND ITSELF IN EMERGENCY.

"That the particular military, as well as civil establishments in each colony, remain in their present state, the general constitution notwithstanding, and that on sudden emergencies any colony may defend itself, and lay the accounts of expenses, thence arising, before the President-General, and Grand Council, who may allow and order payment of the same, as far as they judge such accounts reasonable."

The commissioners on their return reported, that a doubt arose in the convention as to limiting the Union, at least into two districts, from the great extent of territory included within it; but the probability that the designs of the enemy would require the united strength and counsels of the whole British continent, and that the affairs of the Indians would demand the direction of one undivided power, overruled an idea which, if executed, must have much enfeebled, if not finally ruined, the strength of the whole. The British Cabinet contemplated the plan of union, as calculated too strongly to demonstrate the ability of the colonies to defend themselves, whilst the control of the Crown over the administration was too feeble to insure its eventual superiority. Entertaining these views, they rejected the plan for want of sufficient powers in the House; whilst the provincial governments, fearing that the Royal prerogative would have too prevailing an influence, united in the same decision from opposite principles.

The maturing and adopting of this important scheme in North America, was reserved for her

separate and independent authority, in the year one thousand seven hundred and eighty-eight. Repeated renewals of their military conventions, accustomed men's minds to the idea of centralization; and when the final struggle with the parent country commenced, the machinery to be made use of for combination was so familiar to the provincials, that they had but to follow the example of their forefathers.

Notwithstanding the very large subsidies granted to the colonies by Parliament, under the appellation of reimbursements for the payment and subsistence of their levies, and the advantages they derived from such enormous expenditure, they never let an opportunity pass to make their compliance with requisitions the means of extorting from the Governors concessions to some acts of usurpation. An attempt of this kind was made by Massachusetts upon Lord Loudon, the Commander-in-Chief, by refusing to quarter and billet the troops according to the terms of an Act of Parliament, alleging that its provisions did not extend to America. He was, however, in a different position from a dependent and power-

less Governor. He had an army to enforce his authority, and therefore wrote to the General Court, that having used gentleness and patience, and confuted their arguments without effect, their want of complying would place him under the necessity of taking measures to prevent the whole continent from being thrown into confusion. As nothing was wanting to set things right, but the Justices doing their duty (for no Act of the Assembly was necessary for it), he had ordered the messenger to remain only forty-eight hours in Boston; and if on his return he found things not settled, he would instantly order into the town the three battalions from New York, Long Island and Connecticut; and, if more were wanting, he had two in the Jerseys at hand, besides those in Pennsylvania. As public business obliged him to take another route, he added, he had no more time left to settle this material affair, and must take the necessary steps before his departure in case they were not done by themselves. This produced the desired effect; and a law was passed, as they said, "not to enforce an Act of Parliament, but to supply measures

in a case that did not reach them:" "a proceeding" they observed, in an address to the Governor, "which could never be disapproved of by the Imperial Legislature, *their dependence upon which they had never thought of lessening;*" and concluded with this remarkable assertion: "that there was not a member of the General Court, nor did they know of an inhabitant within their jurisdiction, who ever questioned this authority."

Persons holding office not entirely under the control of the General Court, were not so well supported as the commander-in-chief of a large army; and if the Assembly had been humiliated itself, it was now determined to retaliate on others. Their first attack was upon the judges, whose salaries, as some indemnification for their own defeat, they reduced. This was followed up by a systematic course of misrepresentation and abuse, conduct which it has ever been observed precedes revolutions. The object of this persecution was rather to increase the odium attaching to the imperial laws, which they had to administer, than to gratify personal animosity; but the custom-house officers they

hated, not merely as the instruments of oppression, but as men who took delight in their annoyance. Their duty was odious in itself, and a zeal to merit the approbation of the Ministry, and to accumulate wealth, induced them to exercise a rigour in enforcing the commercial laws which added much to the unpopularity connected with their business. The antipathy soon became personal, and the execution of the laws appeared like the triumph of private revenge. A committee reported that a sum of £475 9*s*. 11*d*. a portion of forfeitures awarded by law to the province, was unjustly detained, and the House desired the treasurer to sue the collector of the port for its recovery. To this the Governor refused his consent, on the ground that it was the duty of the treasurer merely to receive the King's money, and that of the Attorney-General to sue for and recover it. At this distance of time, it would be tedious to recapitulate the arguments for and against the course attempted to be pursued by the House; it is merely necessary to state that, as usual, the delegates succeeded. They extorted a reluctant consent, given under protest, in which the

Governor expressed a hope that they would not require of him such another proof of his great desire for preserving a good understanding with them. After an expensive course of litigation, the judgment of the Supreme Court was given against the treasurer, which still further increased the popular dislike to the Board.

About the same time, and from the same principles and feelings, arose another important dispute. One of the Custom House officers petitioned the Supreme Court of Judicature, stating that they could not fully exercise their offices in such a manner as his Majesty's service, and the laws in such case required, and praying the Court would grant writs of assistance to aid them in the execution of their duty, according to the usage of the Court of Exchequer in Great Britain. Mr. Gridly, as King's Attorney, maintained the legality of this writ, as well by the practice of the Exchequer, as by that of the Supreme Court of the province. The practice in England, he asserted, was supported by statutes 12th and 13th Charles II., and by 6th Anne, which continues all processes and writs of assistance amongst the

rest. The authority of the Supreme Court to grant this writ was founded upon the statute of 7th and 8th William III., which enacted, that all the officers for collecting and managing his Majesty's revenues, and inspecting the plantation trade in any of the provinces, should have the same powers, &c. as are provided for the officers of the revenue in England; as also to enter houses and warehouses to search for, and seize any such goods, and that the like assistance should be given to the said officers as is the custom in England.

Mr. Otis appeared for the inhabitants of Boston, who had presented a counter petition. As his speech discloses several curious facts, and presents a striking picture of the partizan zeal of the lawyers of that day, as well as a good specimen of the ability and eloquence of the Massachusetts bar, I insert copious extracts from what is reported in Minot:

"May it please Your Honours,

"I was desired by one of the Court to look into the books, and consider the question now before them, concerning writs of assistance. I have accordingly considered it, and now appear,

not only in obedience to your orders, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare, that whether under a fee or not (for in such a case I despise a fee), I will to my dying day oppose with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villany on the other, as this writ of assistance is.

"It appears to me the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English law book. I must, therefore, beg your Honours' patience and attention to the whole range of an argument that may perhaps appear uncommon in many things, as well to points of learning, that are more remote and unusual, that the whole tendency of my design may the more easily be perceived, the conclusion better descried, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle. I was solicited to argue this cause as Advocate General, and because I would not

I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounce that office, and I argue this cause from the same principle; and I argue it with the greater pleasure, because it is in favour of British liberty, at a time when we hear the greatest Monarch upon earth declaring from his throne, that he glories in the name of Briton, and that the privileges of his people are dearer to him than the most valuable prerogative of his crown; and as it is in opposition to a kind of power, the exercise of which, in former periods of English history, cost one King of England his head, and another his throne.

"I have taken more pains in this cause than I ever will take again, although my engaging in this and another popular cause, has raised much excitement. But I think I can sincerely declare, that I cheerfully submit myself to every odious name for conscience sake, and from my soul I despise all those whose guilt, malice, or folly, has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct that are worthy of a gentleman, or a man, are to sacrifice

estate, ease, health, and applause, and even life, to the sacred calls of his country. These manly sentiments in private life make the good citizen, in public life the patriot and the hero. I do not say that when brought to the test, I shall be invincible. I pray God, I may never be brought to the melancholy trial; but if ever I should, it will then be known how far I can reduce to practice principles which I know to be founded in truth. In the meantime, I will proceed to the subject of this writ.

"In the first place the writ is universal, being directed 'to all and singular, the justices, sheriffs, constables, and all other officers and subjects,' so that, in short, it is directed to every subject in the King's dominions. Every one with this writ may be a tyrant, if this commission be legal; a tyrant in a legal manner also may control, imprison, or murder any one within the realm. In the next place it is perpetual, there is no return. A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him, until the trump of the archangel shall excite different

emotions in his soul. In the third place, a person with this writ in the daytime may enter all houses, shops, &c., at will, and command all to assist him. Fourthly, by this writ, not only deputies, &c., but even their menial servants are allowed to lord it over us. What is this but to have the curse of Canaan, with a witness, on us, to be the servant of servants, the most despicable of God's creatures.

"Now one of the most essential branches of English history is the freedom of one's house. A man's house is his castle; and while he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would entirely annihilate this privilege. Custom-house officers may enter our houses when they please. We are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way, and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient.

"This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these

writs, and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware, so that these writs are negotiable from one officer to another, and so your Honours have no opportunity of judging the persons to whom this vast power is delegated. Another instance is this; Mr. Justice Wally had called this same Mr. Ware before him by a constable, to answer for a breach of Sabbath-day acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied yes. Well, then, said Mr. Ware, I will show you a little of my power. I command you to permit me to search your house for uncustomed goods, and went on to search his house from garret to cellar, and then served the constable in the same manner.

"But to show another absurdity in this writ, if it should be established, I insist upon it, every person, by the 14th Charles II., has this power as well as custom-house officers. The words are: 'It shall be lawful for any person or persons authorized,' &c. What a scene does this open! Every man, prompted by revenge, ill-humour, or wantonness to inspect the inside of

his neighbour's house, may get a writ of assistance. Others will ask it from self-defence; one arbitrary exertion will provoke another, until society be involved in tumult and blood."

Notwithstanding these and many more arguments were enforced, with a zeal peculiar to the spirit of the occasion, and the manners of the pleaders, the writ of assistance was granted. In the midst of these disputes occurred the peace of 1763, which, though it produced a temporary calm, ultimately transferred hostilities from the confines to the very heart of the colonies.

CHAPTER IV.

HISTORICAL SKETCH OF EVENTS FROM 1763 TO THE REPEAL OF THE STAMP ACT IN 1766.

Reasoning of the English and the Colonists on the subject of raising a revenue in America—Attacks on the English clergy in Massachusetts and Virginia—Patrick Henry's conduct—Navy officers ordered to enforce the laws of trade—Mr. Grenville's plan of taxation—Inter-colonial trade stopped—Sugar Act passed—Clause authorising suits in Admiralty Courts—Theories of different parties as to power of Parliament to tax colonies—Publications in Massachusetts, Rhode Island, Virginia, Maryland, and other colonies against taxation—Representation in Parliament abandoned — Conciliatory act ineffectual — Arguments against the measure—Speech of Col. Banes and Patrick Henry—News of Stamp Act having passed is received—Effect of it at Boston and elsewhere—Riots in Boston, New York, and other places—Non-importation Association—General Court recommends a

Congress—Declaration of rights—Congress assembles at New York, and appoints a Speaker—Change in the English Ministry—Repeal of the Stamp Act—Singular form of Act of Indemnity passed by General Court.

THE common object the English and the provincials had in view, which had hitherto cemented their union, having been obtained by the overthrow of the French power in America, they cordially congratulated each other on their success. Flushed with victory, both claimed a full share of the merit of the triumph, and of the sacrifice of life and treasure at which it was obtained; but their attention was soon withdrawn from their conquests to their own relative position and rights. Great Britain lamented over the enormous expense of the war, and argued that, having relieved the colonies of a formidable and relentless foe, and enlarged their boundaries, it was but reasonable they should contribute to the reduction of the national debt, so greatly increased in their defence, as well as defray, for the future, the cost of their own government.

To this it was answered, you have not ex-

tended our territory, but added to your own empire. Had it not been for your ambitious wars, in which, as dependencies, we have been unhappily involved, we should have preserved a friendly relation with our Gallic neighbours, and maintained a most advantageous and profitable trade with them. We were powerful enough to resist aggression, and punish insult, and could have defended ourselves as heretofore without your assistance. If your expenses have been large, ours have been altogether beyond our means, and evince a generous participation in your undertakings, that justly entitle us both to gratitude and remuneration. Thirty thousand colonial soldiers have perished in the struggle, by disease or the sword. We have expended more than sixteen millions of dollars, only five millions of which have been reimbursed by Parliament. Massachusetts alone has kept annually in the field from four to seven thousand men, besides furnishing garrisons, and supplying recruits to the regular army, and expended two millions and a half of dollars over and above the advances from the military chest. The small colony of Connecticut has, during the

same period, raised two millions of dollars, while the outstanding debt alone of New York amounts to nearly a million. If the southern plantations have been less profuse, they have far exceeded all former experience, for Virginia, at the close of the war, had an outstanding debt of two hundred thousand pounds.

Beyond this the new argument became personal and bitter, for men more easily forgive an injury than an insult. The irregular levies of New England troops, though hardy, brave, and admirably suited for American warfare, made a sorry and grotesque appearance on parade; and the primitive manners, nasal pronunciation, and variegated and antique clothing of both officers and men, subjected them to the ill-concealed ridicule, or open insolence of the British army. On their part they knew and felt, that if they were inferior in drill and equipments to the regulars, they infinitely excelled them in the field, and pointed with great complacency to the numerous instances in which they covered their retreat, extricated them from ambush, and opened the way for their success. Much of the same arrogant assumption is still unhappily ex-

hibited by the inhabitants of the Old World, on visiting the New, and with a similar unpleasant result.

The war had thus, as has been before observed, filled the provinces with soldiers and officers, all accustomed to active service, and an efficient, resolute, and experienced militia, who formed a formidable body of men, trained to regard a resort to arms as a natural and effectual means of deciding disputes. What the scheme of the English ministry was for governing America, or raising a revenue from it, no one yet knew; but everybody was aware that some such intention, whether matured or not, was seriously entertained. Men's minds were filled with doubts and fears, and the Puritans, as of old, endeavoured to increase the general discontent, by asserting that it was the intention of government to subject them all to the hierarchy. In Massachusetts it had the effect (probably the only one designed, for there was no endowment to attack or confiscate) of still more alienating parties, and keeping alive the animosity, unhappily but too deeply rooted, of the people against England, her institutions, and her authority.

In Virginia the case was different, for there was a stipend established by law, and the dissenters and democrats used all their influence to deprive the clergy, who were loyalists, of their means of support. The "parson's due," as it was called, was, owing to the scarcity of gold and silver, made payable in tobacco, and came therefore within the class of claims popularly called "Tobacco debts." A short crop having enhanced the value of that staple, a temporary act was passed, authorising the payment of all such claims, at twopence per pound weight. Subsequently, under pretence of an expected failure, a temporary law, commonly called the "Tender Act," was revived, whereby the income of the clergy were very materially reduced. This law, by the assistance of Sherlock, Bishop of London, was disallowed by the King, and suits were accordingly brought to recover the difference between the real value of the article and the fictitious standard. It was on the trial of one of these causes that Patrick Henry, afterwards so celebrated, was first brought into notice. Knowing that the law and the court were both opposed to such a flagitious

defence, he trusted to his powers of declamation, which were of no ordinary kind, and with such topics as religious liberty, the sacred rights of freemen, the odious Royal veto, and the blessing of self-government on the one hand, and an excited audience and interested jurors on the other, he succeeded, by obtaining a verdict, in denuding the law of its power, and the clergy of their subsistence. The Assembly even went so far as to vote moneys to defend any further actions that the parsons might bring, who were thus compelled, notwithstanding their clear legal right, to submit to the unjust spoliation.

Distrust and disaffection were generally diffused throughout the country; and the rashness and indecision, open aggression, and ill-timed conciliation of the English ministry, soon supplied abundant materials for agitation. The agent of Massachusetts had informed the General Court that, at the commencement of the late hostilities, the Board of Trade had proposed a scheme of transatlantic taxation. In the course of the war, Pitt had intimated to more than one colonial governor, that when it was over, the authority of Parliament would be invoked to

extort from America the means of its own support. Peace was no sooner proclaimed than his successor hastened to mature a somewhat similar plan. Less difficulty was felt in asserting the right, than in devising means for putting it into execution. Still it was a question how it could be effected, without irretrievably alienating the natives. Duties on trade afforded the easiest, because a well-known, and accustomed mode; while the objections to direct and internal taxation appeared almost insuperable. Even the first mode, it was obvious, would be attended with great difficulty in the collection. There would be frequent evasions or infractions of the law; and nothing short of a military force would insure success; but a standing army of ten thousand men, it was thought, would overawe all opposition.

No time, therefore, was lost in exacting a rigid compliance with the regulations of trade. Orders were issued to the officers of the navy in America, vigilantly to enforce the several Acts of Parliament on that subject. Nothing could be more vexatious than the manner in which these instructions were executed, and nothing

more impolitic than the measure itself; for it degraded the officers in their own eyes, by transforming them into tide-waiters and custom-house officials, and at the same time rendered them excessively obnoxious to the provincials. They were not only uninformed of the cases in which ships were liable to penalties, but of those in which they were exempt from detention, and therefore obstructed the trade without increasing the revenue. The evil was aggravated by the difficulty of redress. The board in England could alone give relief, and the expense and delay of restitution, or satisfaction, often exceeded the original amount of the loss.

At that time a very lucrative trade was carried on between the American provinces and the colonies of Spain, and from New England to the French West India Islands. In the former, the merchant exchanged either British or their own manufactures for gold and silver, medical drugs, dye stuffs, and live stock. In the latter they bartered their surplus goods and native productions, for the rum, sugar, molasses, and money of the planters, both which branches of commerce were extremely profitable. This inter-

course, though opposed to the letter of the acts of trade, had been heretofore openly connived at by the custom-house officials, but was now totally put an end to by the naval commanders, who, urged on by the prospect of prize-money, seized indiscriminately the ships engaged in it, whether belonging to subjects or foreigners.

Immediately afterwards, and while the public mind was agitated by these vexatious proceedings, the attempt to raise a revenue was openly announced and acted upon, imposts being resorted to in the first instance. In the year 1764, Mr. Grenville brought before Parliament his plan for raising a transatlantic revenue. He stated that, during the last four years sixty-three millions had been added to the national debt, a great part of which had been incurred for the necessary expenses of the war in America; that such was the state of the public finances, that it was necessary every part of the empire should contribute, according to its means, to lighten the public burden; that the charge of the government in the plantations was £350,000 per annum, and that it was but reasonable that those who derived all the benefit of the expen-

diture should submit to be taxed for its repayment. He then submitted several resolutions to the following effect: That duties be laid on various enumerated foreign articles, imported from any place (excepting in some cases from Great Britain) into the British colonies and plantations in America; and a duty upon other articles, the produce of the colonies, exported to any other place than Great Britain; that a duty of threepence sterling per gallon be laid on molasses and syrups, and an additional duty upon white sugars of the growth of any foreign American plantation, imported into the British colonies; that the produce of the duties so to be laid be paid into the Exchequer, and there reserved, to be from time to time disposed of by Parliament, towards defraying the necessary expenses of defending, protecting, and securing the British colonies and plantations in America; and that towards further defraying the said expenses, it might be proper to charge certain stamp duties in the colonies. A bill was accordingly brought in and enacted for imposing the duties as resolved upon, except as to stamps, which was postponed to the next year, as the

Massachusetts agent reported "in complaisance to the colonies, to give them an opportunity to pass it themselves, or some other equivalent," Mr. Grenville being willing, as he expressed himself, "to consult the ease, the quiet, and good-will of the colonies." In all this legislation the remonstrance of America was avoided by a rule of the House of Commons not to receive any petition against a money bill. This practice was founded on the principle of the people, who were to pay the tax, being present by their delegates in Parliament, and evidently proved the absurdity of the case before them, wherein the colonists were the only party neither actually nor virtually represented.

This act, commonly called the Molasses or Sugar Act, imposed a duty of threepence instead of sixpence, which had previously existed, but had never been collected, and instead, therefore, of being a boon and a reduction of a tax, as represented by Grenville, virtually created a new and most oppressive burden. Its rigid enforcement by the navy officers created the utmost consternation among the people, who loudly and indignantly complained, that it had been passed

without notice, whereby they were deprived of all opportunity of stating their objections to it.

The magnitude of the trade thus obstructed, or ruined, is expounded at length in the instructions given by Massachusetts to her agent in London. He was desired to urge on the government that the business of the fishery, which would be broken up by the act, was estimated in Massachusetts alone at one hundred and sixty-four thousand pounds, and the vessels employed in it, which would be nearly useless, at one hundred thousand pounds; the provisions consumed in it, the casks for packing fish, and other articles, at twenty-two thousand seven hundred and upwards; to all which there was to be added the loss of the advantage of sending lumber, horses, provisions, and other commodities to the foreign plantations as cargoes, the vessels employed to carry fish to Spain and Portugal, the dismissing of five thousand seamen from their employment, the effects of the annihilation of the fishery upon the trade of the province and of the mother country in general, and its accumulative evils by increasing the rival fisheries of France. This was forcibly

stated, as it represented the means of remittances to England for goods imported into the province, which had been made in specie to the amount of one hundred and fifty thousand pounds sterling, besides ninety thousand in the treasurer's bills for the reimbursement money within the last eighteen months. The sources, they said, for obtaining this money were through foreign countries, by the means of the fishery, and would be cut off with the trade to their plantations.

The minister, foreseeing the unpopularity of the act, inserted a clause to secure its execution, which proved to be as objectionable respecting the rights of Americans, as its general principles. Penalties for the breach of this act, or any other relating to the trade and revenues of the British colonies, incurred in America, were made recoverable in any Court of Record or in any Court of Admiralty in the colony where the offence should be committed, or in any Court of Vice-Admiralty which might be appointed over all America, at the election of the informer or prosecutor. Thus a trial by jury might be taken away, and a defendant might be forced

from one end of the continent to another to support his claim in a Court of Vice-Admiralty, at an expense, perhaps, beyond the value of the property in question. And after all, the act provided that he should recover neither costs nor damages, if the judge should certify that there was probable cause of seizure.

In the letter of instructions of the General Court to their agent, before referred to, founded on several letters from him, in which he had misconstrued their silence upon the business of the tax on molasses, and even the quartering of ten thousand troops in the colonies, into an assent to those measures, they observed that the sudden passing of the Sugar Act, and continuing a heavy duty on that branch of their commerce, was far from proving that any solid foundation existed for a hope which he had expressed, that a general disposition would be found to serve the colonies, and not to distress them; that no agent of the province had power to make concessions in any case without distinct orders; and that the silence of the province should have been imputed to any cause, even to despair, rather than have been construed into

a tacit cession of their rights, or an acknowledgment of a power in the Parliament of Great Britain to impose duties and taxes upon a people who are not represented in the House of Commons; that they were still more surprised at his letter respecting the quartering of an army on the colonies. "We conceive," said they, "nothing could restrain your liberty of opposing so burdensome a scheme. What merit could there be in submission to so unconstitutional a measure? It is time enough to make a virtue of necessity when we are compelled to submit to so unreasonable an establishment. We are extremely obliged to Mr. Grenville for his kindest expressions of regard to the colonies; but we cannot conceive it any favour that he will not think of anything from America for the relief of Great Britain. Nor can we conceive it to be exactly agreeable to equity and justice that America should be at the whole charge of its government and defence. If all the colonists are to be taxed at pleasure, without any representative in Parliament, what will there be to distinguish them, in point of liberty, from the subjects of the most absolute

prince? For besides maintaining internal provincial civil government among themselves, they must pay towards the support of the civil and military governments in Great Britain. Now it is conceived that no people on earth are doubly taxed for the support of government." As to the deferring of the Stamp Act, they observed that, "the first offer of suspending it in the manner, and upon the conditions mentioned, amounted to no more than this, that if the colonies would not tax themselves as they might be directed, the Parliament would compel obedience."

The fixing the duty on molasses at threepence per gallon, seemed to them repugnant to the assurance given by the ministry, that the colonies were not to be taxed for the support of the government at home; for if America were to be assessed for her own more immediate wants and protection only, and twopence might yield enough for that, to what purpose would it be to lay threepence? and the duty, in all good policy, should have been low at first, if it was right to lay any, and it might have been subsequently increased by degrees. But the

business, if it would sustain any impost, would admit only of a light duty. They stated that Ireland was a conquered country, which was not the case with the northern colonies, except Canada; yet no duties had been levied on it by the British Parliament. No internal nor external taxes had been assessed upon the people except by their own legislature, although many prohibitions had been made. That laying these restraints on dominions not represented in Parliament, should be exercised with great moderation; but that this had better be exercised with the utmost rigour, than the power of taxing, for this last was the grand barrier of British liberty, which if once broken down all was lost; that, in a word, a people might be free and tolerably happy without a particular branch of trade, but without the privilege of assessing their own taxes they could be neither.

The invitation given to the other colonies to associate in their opposition to the ministerial system of revenue, constituted an important leading measure in the revolution of the country, and has been denominated a declaration of rights, and a proclamation of political war

between the patriots and the friends of the British Government in Massachusetts. As the controversy increased, the ground of the disputants became narrowed. Hitherto there had been three different theories held on the subject of the power of Parliament. The ministry had recently asserted its right to bind America in all cases whatever. The opposition party in the colonies conceded to it, in general terms, a superintending power to enact laws and regulations for the public good, in matters external, but denied its right to levy taxes. The people held it to be their essential right, as Englishmen, not to be subject to any tax but what they had a voice in laying in person, or by their representatives; maintaining that this principle had been admitted in practice, by the colonies being allowed civil governments of their own, who had always voted supplies to the King greater than their proportion of the national expenditure, and were supported by their constituents; and affirmed that their representatives in these governments were the only proper judges of their ability to grant money, a British House of Commons being at too great a distance to be

well informed, and too much interested in laying heavy burdens upon the colonies in order to lighten their own.

The loyalists, for the sake of British connection, and to preserve the peace of the country, were willing to submit to the power thus assumed by Parliament, but differed from the government as to the mode of raising the revenue. The ministry were desirous of receiving the proceeds through the Exchequer, the Royal party for raising and appropriating them in the country, while some were for accommodating matters by proposing to leave external taxes to government, and retaining all internal ones at home. As the temper of the opposition became irritated, their indisposition to make any concessions whatever became more and more apparent. A strong and energetic pamphlet, recently published by Mr. Otis, of Boston, entitled "The Rights of the British Colonies Asserted," was read and approved of by the Assembly of Massachusetts. In this work the author scouted the distinction hitherto generally admitted between external and internal taxes, meaning in the one case impositions on trade,

and in the other on land or personal property. If trade might be taxed, he said, without the consent of the colonists, so might real estate; both were pronounced absolutely irreconcilable with the rights of provincials as British subjects and as men.

Similar tracts, more or less strong, appeared at the same time in Rhode Island, Maryland, and Virginia. The House followed up its opposition by a petition to Parliament. The resistance of Massachusetts to the new Sugar Act was echoed from Pennsylvania and Connecticut; while the address from the House of Representatives of New York was couched in such strong language, that no member of Parliament could be found to present it. Rhode Island adopted the same energetic course. In Virginia the representatives agreed upon a petition to the King, a memorial to the House of Lords, and a remonstrance to the ministry.

One of the objections to the right of Parliament to lay taxes on the people in the provinces, and legislate for them in other respects, was, that they were not represented in that body. It was a plan of some individuals, of whom Mr.

at first was one, to have members from the colonies to sit in the British House of Commons. The Ministry were inclined to favour the measure; but it was soon after perceived that the representatives would be so few in number, that it would be no benefit, and it was never formally discussed in Parliament; but after this period it was universally repudiated by the provincials themselves.

To counteract the probable unpopularity of the Sugar Act, several others were passed by the Imperial Government about the same time, to promote their trade, and increase the intercourse of the colonies with the mother country, such as a "bill for granting a bounty for the importation of hemp from America into Great Britain," "a bill to encourage the whale fishery," and another for granting leave for a certain time to export rice from South Carolina and Georgia to other parts of America, on paying British duties. But unfortunately the disastrous effect of the recent regulations for a rigid enforcement of the laws of trade, by stopping the supply of money to the plantations, was certain and immediate, while the beneficial consequences of

the conciliatory acts, if any, could only be remote. They had no effect whatever, therefore, in withdrawing men's minds from the present embarrassments, and the great principle involved in the dispute.

Nothing, however, could prevail on the Ministry to relinquish the idea of internal taxes, and the Stamp Act, though not without considerable opposition in the Commons, passed by a majority of five to one. The London merchants concerned in the American trade, petitioned against it, but a standing rule not to receive memorials against a money bill, excluded it as well as those of the local legislatures. Argument and invective were both resorted to ineffectually. Of the former, the principles were that it was absurd that colonists should be still thought to owe any submission to the Parliament, which had not authority enough to shield them against the violence of the executive; and more absurd still, that the inhabitants of Great Britain should pretend to exercise over them rights, which that very people affirmed they might justly oppose, if claimed over themselves by others. That it was their birthright, even

as the descendants of Englishmen, not to be taxed by any but their own representatives; that the people of Ireland were much more virtually represented in the Parliament of Great Britain than it was ever pretended the provincials could be, in consequence of the great proportion of Englishmen possessed of estates and places of trust there, and the number of Irish noblemen and gentlemen in both houses of the Legislature; yet that, notwithstanding, England never claimed any right to tax the people on the ground of their being thus virtually represented amongst them. That, granting the British Parliament's right to make laws for the colonies, and even to tax them without their concurrence, there lay many objections against the stamps, inasmuch as those duties were laid gradually on the people of Great Britain, while they were to be saddled all at once with all their increased weight, on those of the colonies;* that if those duties were thought so grievous in England, on account of the great variety of occasions in which they were payable,

* Annual Register.

they must be to the last degree oppressive in the colonies, where the people in general could not be supposed so conversant in matters of this kind. Numbers did not understand even the language of these intricate laws, so much out of the course of what common sense alone might suggest to them as their duty, and common honesty engage them to practise.

Of the latter kind, was the celebrated speech of Colonel Barré. In reply to Townsend, one of the ministers who supported it, and called the colonists "children planted by our care, nourished by our indulgence, and protected by our arms," he indignantly answered, "They planted by your care? No, your oppressions planted them in America. They nourished by your indulgence? They grew up by your neglect of them. They protected by your arms? Those sons of liberty have nobly took up arms in your defence. I claim to know more of America than most of you, having been conversant with that country. The people, I believe, are as truly loyal subjects as the King has, but are they a people jealous of their liberties, and will vindicate them, should they ever be violated.

But the subject is too delicate, I will say no more."

News reached Virginia of the passing of the Bill, while the House was in session. Patrick Henry, who had previously obtained notoriety by his attack on the "parsons' dues," brought forward a series of resolutions, claiming for the inhabitants of Virginia all the rights of born British subjects; denying any authority, except in the provincial assembly, to impose taxes upon them; and denouncing the attempt to vest the authority elsewhere, as inconsistent with the ancient constitution, and subversive of British as well as of American liberty. Upon the introduction of these resolutions, a hot debate took place. "Cæsar had his Brutus," said Henry, "Charles I. his Cromwell, and George III.—" "Treason! treason!" shouted the Speaker, and the cry was re-echoed from the House. "George III.," said Henry firmly, "may profit by their examples. If that be treason, make the most of it."

If the tax on sugar and molasses, to raise a revenue, was denounced as inconsistent with Charter rights, and the principles of British

liberty, the Stamp Act, by which all printed or written public legal papers were liable to a duty, met with still stronger opposition. It was considered as an internal tax, for the purpose of raising money in the province for the use of Great Britain. So far, indeed, as the former Act was not a mere regulation of trade, but intended to draw a revenue from the province, without the consent of the representatives, it was opposed and reprobated. As to the latter, there was no disguise or deception in the case; the professed object was to raise money for the public treasury of England, except it should be all spent on the officers of the Crown in the province. Writs of all kinds, probate papers, deeds, and even diplomas for college degrees, were all subject to duty.

Although there never could have been any well-grounded hope that the Stamp Act would have been quietly submitted to in the colonies, yet the notice so publicly given of the intention to carry it through Parliament, and the delay occasioned thereby enabled the demagogues, the clergy, and all opposed to British domination, to prepare the minds of the people for

resistance. The news of the bill having received the Royal assent, no sooner reached Massachusetts, than the people were infuriated to the highest degree. The ships in the harbour hoisted their colours half-mast high, in token of the deepest mourning; the bells rang muffled; the Act itself was printed with a death's head inserted in the place where it is usual to fix the stamps, and cried publicly about the streets by the name of "Folly of England, and Ruin of America."

Essays soon followed, not only against the expediency, but even the equity of it, in several newspapers, one of which bore the significant title of "The Constitutional Courant, containing matters interesting to liberty, and no wise repugnant to loyalty, printed by Andrew Marvel, at the sign of the Bribe Refused, on Constitution Hill, North America." This paper had a still more significant vignette of a snake cut in pieces, with the initial letters of the names of the several colonies, from New York to South Carolina inclusively, affixed to each piece, and above them the words, "JOIN or DIE." To these were added caricatures, pas-

quinades, *bon mots*, and such vulgar sayings fitted to the occasion, as by being short could be most easily circulated and retained; at the same time, by being extremely expressive, they carried with them more weight than arguments. These proceedings were followed by such others as might naturally be expected from them.

By the time the Act itself reached the colonies, the populace were everywhere exasperated against it to such a degree, that they treated it with the utmost contempt and indignation. It was publicly burnt by them in several places; and at the same time it was voted that thanks should be given to General Conway and Colonel Barré, two gentlemen whom they considered as the most strenuous opposers of it in the British House of Commons; that their speeches against it, and their pictures, should be requested, the latter to be hung up in their places of meeting, and the former to be inserted in the books destined to record their principal transactions. A great elm in Boston, at the corner of the present Washington and Essex Streets, under which the opponents of the Stamp Act were accus-

tomed to assemble, soon became famous as "liberty tree." Those persons, supposed to favour the ministry, were hung in effigy on the branches of this elm. A mob attacked the house of Oliver, Secretary of the Colony, who had been appointed stamp distributor for Massachusetts, broke his windows, destroyed his furniture, pulled down a small building, supposed to be intended for their reception, and frightened him into a resignation. Jonathan Mayhew, the minister of the West Church in Boston (distinguished by his recent attack on the Society for the Propagation of the Gospel in Foreign Parts), preached a seditious sermon against the Stamp Act, taking the significant text, "I would they were cut off, which trouble you." The Monday evening after this sermon, the riots were renewed. The mob attacked the house of Story, Registrar of the Admiralty, and destroyed not only the public files and records, but his private papers also. They next entered and plundered the house of the Comptroller of the Customs; and maddened with liquor and excitement, proceeded to the mansion of Hutchinson in the North Square. The Lieu-

tenant-Governor and his family fled for their lives. The house was completely gutted.

The inhabitants of Boston, at a town meeting, unanimously expressed their "abhorrence" of these proceedings; and a "civic guard" was organized to prevent their repetition. "Yet the rioters, though well known, went unpunished, a sure sign," says Hildreth, decidedly the most able and impartial of American historians, "of the secret concurrence and goodwill of the mass of the community. It is only in reliance on such encouragements, that mobs ever venture to commit deeds of violence. Those now perpetrated were revolutionary acts, designed to intimidate—melancholy forerunners of civil war!"

Massachusetts was not alone in these demonstrations. The unpalatable law received similar, though less flagrant, treatment in the other colonies. On the 24th of August, a gazette extraordinary was published at Providence, with *Vox populi, vox Dei* for a motto; effigies were exhibited, and in the evening cut down and burnt. Three days after, the people of Newport conducted three effigies of obnoxious

persons in a cart, with halters about their necks, to a gallows near the Town-house, where they were hung, and after a while cut down and burnt, amidst the acclamations of thousands.

On the last day of October a body of people from the country approached the town of Portsmouth (New Hampshire), in the apprehension that the stamps would be distributed; but, on being assured that there was no such intention, they quietly dispersed. The next morning all the bells in Portsmouth, Newcastle, and Greenland, were tolled, to denote the decease of Liberty; and in the course of the day, notice was given to her friends to attend the funeral. A coffin, neatly ornamented, and inscribed with "Liberty aged CXLV years," was prepared for the funeral procession, which began from the State House, attended with two unbraced drums.* Minute guns fired until the corpse arrived at the grave, when an oration was pronounced in honour of the deceased. The sermon was scarcely concluded, when some remains of life having

* Holmes' Annual Register.

been discovered, the body was taken up. The inscription on the lid of the coffin was immediately altered to "Liberty Revived;" the bells suddenly struck up a cheerful sound; and joy appeared again in every countenance.

In Connecticut, Mr. Jugusoll, the constituted distributor of stamps, was exhibited and burnt in effigy in the month of August; and the excitement at length became so general and alarming, that he resigned his office. In the same month, the spirit discovered by the citizens of New York produced a similar resignation. The stamp papers arriving toward the end of October, Lieutenant-Governor Colden took them into Port George, and extraordinary preparations were made to secure them. On the 1st of November, many of the inhabitants, offended at his conduct, and disliking his political sentiments, having assembled in the evening, proceeded to the walls of the fort; broke open his stables, and took out his carriage. After carrying it through the principal streets of the city, they marched to the common, where a gallows was erected, on which they suspended his effigy, with a stamped bill

of lading in one hand, and a figure of the Devil in the other. When it had been hung a sufficient time to gather a great concourse of people, they carried it in procession with the gallows entire to the gate of the fort, where it was removed to the bowling-green, under the muzzle of the guns, when a bon-fire was made, and the whole pageantry, including the carriage, was consumed, amidst the acclamations of several thousand spectators. They next proceeded to the house of Major James, a friend of the Ministry, and after plundering it, consumed every article of furniture in a bon-fire.

At Philadelphia, on the appearance of the ships, having on board the obnoxious papers, all the vessels in the harbour hoisted their colours half-mast high; the bells were muffled, and continued to toll until evening; and Mr. Hughes, the stamp master, found it necessary to resign. In Maryland, Mr. Hood, the distributor for that colony, to avoid resignation, fled to New York, but he was constrained by a number of sons of liberty to sign a paper, declaring his absolute and final resignation. In

Virginia, the officer arriving at Williamsburg in the evening, was immediately urged to relinquish his commission, and upon complying, received the acclamations of the people. At night, the town was illuminated, the bells were ringing, and festivity expressed the universal joy.

Although, by the resignation of the distributors, the colonists were laid under a legal inability for doing business according to parliamentary laws, yet they adventured to do it, and risked the consequences. Vessels sailed from ports, as before; and the courts of justice, though suspended a while in most of the colonies, at length proceeded to business without stamps. As a retaliatory measure, a general combination was formed, for the non-consumption, or importation of British manufactures. A retrenchment in the use of foreign articles, especially at funerals, the encouragement of their own manufactures, and the consequent reduction of importations from England, were the expedients first resorted to. This was to advance their own country, at the expense of a powerful interest in the parent state, which might influence the Ministry to reconsider, and

repeal their acts. Nor was the state of American manufactures unpropitious to such measures. The smelting of iron ore had been brought to such perfection, as greatly to check the importation of it from foreign countries. Potash had become a considerable article of exportation; and the making of coarse woollens had so prevailed as to afford essential aid in clothing.

As soon as the General Court met at Boston, after the passage of the Act, it proceeded to take into consideration the state of public affairs. After discussing the difficulties of the colonies, and what dutiful address it might be proper to make to his Majesty and the Parliament, respecting the late laws, they proceeded to lay the foundation of the American Revolution. They voted that it was highly expedient there should be a meeting as soon as might be, of committees from the House of Representatives or burgesses, in the several colonies on this continent, to consult together on their present circumstances, and the difficulties to which they were reduced by the operation of the late Acts of Parliament for laying duties and taxes on them, and to consider of a general and humble

address to his Majesty and the Parliament, to implore relief. They then agreed that the meeting should be held at New York, on the first Tuesday of October following, and directed letters to be forthwith prepared and transmitted to the respective speakers of the several houses of representatives or burgesses, to advise them of this resolution, and to invite them to join, by their committee, in the meeting. The House then prepared the form of a circular letter, and apppointed a committee in behalf of Massachusetts, consisting of three persons, to carry out these objects.

With reference to the late riots, so notoriously instigated by the leading men of the colony, their answer to the queries was distinguished for that cautious evasion which had ever characterized the Puritans. We inherit, they said, from our fathers, the highest relish for civil liberty; but we hope never to see the time, when it shall be expedient to countenance any methods for its prevention, but such as are legal and regular. When our sacred rights are infringed, we feel the grievance; but we understand the nature of our happy constitution too

well, and entertain too high an opinion of the virtue and justice of Parliament, to encourage any means of redress, but what are justifiable by that constitution.

They then passed, by a unanimous vote, several resolutions, which have since acquired great celebrity, as forming the basis of all subsequent declarations of American rights. They asserted that there were certain essential rights common to mankind, founded in the law of God and Nature, and that they were recognised by the British Constitution; that the inhabitants of the province were entitled to those rights, in common with all men, and that no law of society could justly deprive them of the enjoyment of them—that no man could take the property of another without his consent, and that on this principle is founded the right of representation in the same body which made laws for raising taxes; that by the Royal Charter, the people of the province were entitled to all the liberties and immunities of free and natural subjects of Great Britain; that they appertained to the people of the province in common justice, as they settled the country at

their own expense, and had defended themselves in time of danger, and having large taxes to pay for the support of Government in the colony, it would be unjust to require them to assist in the support of that of England; that a representation of the people in Parliament was impracticable, and therefore the powers of legislation were allowed to be exercised in America; that, therefore, all laws made by any power whatever, other than the general assembly of the province, imposing taxes on the inhabitants, were infringements of their inherent and inalienable rights, as men and British subjects, and rendered void the most valuable declaration of their Charter. They also complained of the powers exercised by the Courts of Admiralty, where there were no juries, and cases were decided in a capricious and arbitrary manner. These resolutions the House ordered to be recorded, "that a just sense of liberty, and their firm sentiments of loyalty, might be transmitted to posterity."

While the General Court was sitting, a vessel arrived from England with large quantities of stamped paper for Massachusetts, New Hamp-

hire, and Rhode Island. The Governor, at a loss how to dispose of them, and probably anxious to avoid giving offence, asked the advice of the Council, who referred him to the House of Representatives. The House said, in reply to the message on the subject, "that as the stamps were brought into the province without their directions, it might prove of ill consequence to them to take any concern in the matter." He then again asked the opinion of the Council, as to the proper disposition of the stamps, who advised that they be deposited at the Castle, to wait the orders of the British Ministry. By the 1st of November, the time the Act was to take effect, not a sheet of stamped paper was to be had throughout the several colonies of New York, New England, New Jersey, Pennsylvania, Virginia, Maryland, and the two Carolinas, except a small parcel, which the Governor of New York, terrified by the threats of the enraged populace, had surrendered into the hands of the corporation of that place, on condition of their not being destroyed like the rest; so that all business, which could not be legally carried on without

stamps, was at once suspended, except that of publishing newspapers, which the printers still continued; pleading, in excuse, that if they did not, the populace would serve them as they had done the stampmasters themselves.

But the consequence of this stagnation was soon felt so severely, that the inhabitants began to think how they could effectually elude it. To this end some wag, fruitful in expedients, sent to the printers at Boston a thin piece of bark, on which he had written, that it being neither paper, parchment, nor vellum, he would be glad to know if instruments, written on such stuff, might not be valid, though not stamped; in which case, he was ready to supply with good writing-bark all those whose consciences were bound by the late Act. At last, the Governors of some of the provinces, though bound by the laws to swear to see it observed, under the severest penalties, finding the total stoppage of all public business so injurious to the community, thought proper to dispense with the use of stamps, grounding their justification on the absolute impossibility of procuring any; and accordingly granted certificates of

that impossibility to all outward bound vessels to protect them from the penalties of the Act in other parts of his Majesty's dominions.

To testify their indignation still further, combinations against the trade of England became everywhere general. The merchants entered into the most solemn engagements with each other, not only not to import any goods from Great Britain, let the consequences be what they would, and to recall the orders they had already given, if not obeyed by the 1st January, 1766, but even not to dispose of any British goods sent them on commission that were shipped before that day; or if they consented to any relaxation from these engagements, it was not to take place till the Stamp Act, and even the sugar and paper-money Acts, were repealed. The people of Philadelphia likewise resolved, though not unanimously, that till such repeal, no lawyer should put in suit a demand for money owing to a resident in America from one in England; nor any person in America, however indebted in England, to make any remittances there.

These resolutions were adopted by the retailers, who unanimously agreed not to buy or

sell any British goods shipped to them. At the same time, lest their own new woollen manufactories should fall short for want of materials, most of the inhabitants came to the resolution not to eat any mutton; and to extend the influence of their resolution to those who did not join them in it, nor to deal with any butcher that should kill or expose any sheep for sale. The most substantial, and even fashionable people were foremost in setting the example to their countrymen, by contenting themselves with home-spun or old clothes, rather than make use of anything British, of which they were formerly so conspicuously fond. Such were the efforts of all ranks, and so prudent their measures, that many now began to be convinced of what they had till then thought impossible, that the colonies would soon be able to supply themselves with every necessary of life. When the value of imposts from Great Britain, nearly three millions annually is taken into consideration, it must be admitted that the mode of retaliation was one likely to be severely felt, and deeply lamented by a trading people, like the English.

In the midst of this general excitement, at

the day appointed by Massachusetts, committees from nine colonies met at New York, and the Congress was organized by the appointment of a President. One of the first rules adopted was, to give each colony represented one vote. In the course of a three weeks' session, a "Declaration of the Rights and Grievances of the Colonies" was agreeed to. All the privileges of Englishmen were claimed by it as the birth-right of the colonists; amongst the rest, the right of being taxed only by their own consent. Since distance and local circumstances made a representation in the British Parliament impossible, their delegates, it was maintained, could be no other than the several colonial legislatures. A petition to the King, and memorials to each House of Parliament, were also prepared, in which the cause of the Provincials was eloquently pleaded. To these proceedings, the several colonial assemblies, at their earliest session, gave their cordial approval.

A change in the English Ministry, which took place in July, and the news of which reached America in September, encouraged the

colonists in the stand they had taken. This change originated in domestic reasons, wholly unconnected with the American polity; it was regarded, however, as favourable to the general cause of freedom. The old Whig aristocracy which had governed the kingdom since the accession of the House of Hanover, had split up of late, into several bitter and hostile factions, chiefly founded on mere personal considerations. Pitt's repeated attacks on former ministries, and at last, his forcing himself into power, had contributed not a little to this result. The accession of George III. had given rise to a new party, by which Pitt himself had been superseded. In the address from the throne, at the opening of the session, the new Ministers brought the state of colonial affairs before Parliament. They produced the correspondence of the provincial Governors, and other papers relating to the late disturbances. Numerous petitions from British merchants for the repeal of the Stamp Act were also presented to the two Houses.

Pitt now appeared in his place in the House of Commons, and delivered his opinion, "that the kingdom had no right to lay a tax on the

colonies. The commons in America, represented in their several Assemblies, have invariably exercised the constitutional right of giving and granting their own money; they would have been enslaved if they had not; at the same time this kingdom has never possessed the power of legislative and commercial control. The colonies acknowledge your authority in all things, with the sole exception that you shall not take their money out of their pockets without their consent." "We are told America is obstinate," he said, "and is almost in open rebellion. Sir, I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty, as voluntarily to submit to be slaves would have been fit instruments to make slaves of all the rest." "The Americans have been wronged! They have been driven to madness by injustice! Will you punish them for the madness you have occasioned? No! Let this country be the first to resume its prudence and temper; I will pledge myself for the colonies, that on their part animosity and resentment will cease."

The new Ministry were under no obligation to support the policy of their predecessors.

Anxious to escape the difficulty by the readiest means, they brought in a bill for repealing the Stamp Act, which in spite of a very strenuous opposition, on the part of the supporters of the late Ministry, was carried in the Commons by a vote of two hundred and seventy-five, to one hundred and sixty-seven. A resolution of the House of Commons had demanded indemnity from the colonies for such Crown Officers as had suffered losses in the late Stamp Act riots: New York promptly complied. After much urging by the Governor, Massachusetts passed a similar act; but a free pardon to the rioters, inserted in it, betrayed the state of public feeling, and gave great offence in England.

The preamble to this bill contains the following extraordinary recital:—"As the King's Most Excellent Majesty, from a desire that the sufferers in the late riots should be compensated, and a veil be drawn over the late unhappy excesses, has been pleased to signify his intention to forgive and forget them, at the same time in his abundant clemency *recommending* compensation to the sufferers; from a grateful sense of his Majesty's grace and clemency, in order to promote peace and safety, to make compensation to

said sufferers, and thus to demonstrate to the world the happiness we enjoy in being a part of the British Empire, and being entitled to the rights, liberties, and privileges of British subjects, we, His Majesty's most dutiful and loyal subjects, the representatives of the *Commons* of this province, in General Court assembled, have resolved to give and grant, &c." They resolved that their reasons for making the compensation were "from a loyal and grateful regard to the King's mild and gracious *recommendation*, from deference to the opinions of the illustrious friends of the colonies in England, and for the sake of internal peace and order, without regard to any interpretation of His Majesty's *recommendation, into a requisition precluding all debate and controversy;* under a full persuasion that the sufferers had no just claim on the province; and that this compliance ought not, hereafter, to be drawn into a precedent."

CHAPTER V.

FROM THE REPEAL OF THE STAMP ACT TO THE BATTLE OF BUNKER'S HILL, AND THE COMMENCEMENT OF THE AMERICAN REVOLUTION.

Joy at repeal of Stamp Act—Fresh discontent as to continuance of the Sugar Act—Townsend's scheme for raising a revenue, maintaining a standing army, and giving permanent salaries to Governors and Judges—Tax on paper, glass, lead, and tea—New York refuses to provide for quartering the troops—Its Assembly restrained from legislative functions—Board of Revenue established in America—Pennsylvania instructs her agents to oppose the Tea Act—Massachusetts addresses a circular letter to the other colonies on the subject—Office of Secretary of State for the Colonies created—Lord Hillsborough calls upon the General Court to rescind the proceedings relative to its circular letter, but it refuses—Most of the colonies approve of the conduct of

Massachusetts—Seizure of the sloop 'Liberty'—The mob assaults the Commissioners, and attacks their house—They take refuge on board of a man-of-war, and afterwards retire to Castle William—Town meeting called to consider the subject of troops being allowed in Boston—People advised to arm themselves—A Convention meets, but the Governor will not acknowledge it—Arrival of two regiments from Halifax—Proceedings as to quartering them—One regiment encamped on the Common, the other lodged in the Town Hall—Proceedings in Parliament relative to the state of the colonies—General Court adjourned to Cambridge—Refuses to provide for the troops—Conduct of the other colonies—Lord Hillsborough informs the colonial assemblies that he will repeal all the duties except that on tea—Mob at Boston attacks a picket guard of soldiers, who fire and kill three persons—Trial and acquittal—The Governor surrenders Castle Island to the Commander of the Forces—People refuse to observe a day of thanksgiving—Association not to use tea—Proceedings as to the Governor and Judges receiving their salaries from England—Destruction of the armed schooner 'Gaspé'—People refuse to allow tea to be landed—A cargo thrown into the harbour—Proceedings in the other colonies relative to the tea ships—Act of Parliament for closing the port of Boston—Another for amending the Charter—Legislature of Massachusetts—Advise a Congress, and name the 1st of December and Philadelphia as the time and place of meeting—The last General Court—Meeting of Con-

gress—Declarations of rights and other proceedings —Non-intercourse agreed upon—The General Court resolve themselves into a provincial Congress, and vote to raise twelve thousand men, &c.—King's stores seized at Rhode Island and New Hampshire — Proceedings in Parliament — Skirmish at Lexington—Commencement of revolutionary war.

THE repeal of the Stamp Act called forth the most lively demonstrations of joy throughout the colonies; but this exultation arose as much from triumph as from relief from an impost. The contest had exhibited the utter inability of English officials to execute enactments opposed to the interests and inclinations of the inhabitants, and satisfied the most timid of the power of the provincials, if united, to resist either the laws or the arms of the mother country. It invited opposition, and where there is a disposition to quarrel, subjects of dispute are never wanting.

Although the Stamp Act was repealed, the Sugar Act, slightly modified, remained in the statute book, and was rigidly enforced. With a singular misapprehension of the character of the people for whom they were legislating, the Ministry accompanied almost every additional

restriction with a corresponding boon. Thus, by an amendment of the latter law, all direct trade with France was prohibited; while, to soften the harshness of the measure, iron and lumber were allowed to be exported to European ports, South of Cape Finisterre. The one was regarded as an invasion, and the other as no more than an admission of right. The former, therefore, was resented as an injury, and the latter received with indifference or silence.

Townsend had now become Chancellor of the Exchequer, who, whatever his abilities might have been, could lay no claim to consistency of conduct, one of the first qualifications of a statesman. He had voted for the Stamp Act, and strenuously supported its repeal, an acknowledgment of error that induced the Americans to think his political advancement to the important office he held, was a special mark of Divine favour. What, therefore, was there astonishment, when they heard that his first measure was to introduce a bill to raise a transatlantic revenue, for maintaining a standing army in the colonies, and for securing permanent salaries to governors and judges, and thereby rendering them independent of the local

assemblies. While he affected to base this law on the distinction taken between internal and external taxation, he violated the principle by imposing duties on certain British productions, such as paints, paper, glass, and lead, to which was added another article, tea, afterwards rendered so notorious. This law was supposed to be of easier execution than the Stamp Act, and it passed with little or no opposition. It received the Royal assent on the 29th of June.

The preamble states that the duties were laid "for the better support of Government, and the administration of the colonies." One clause enabled the Crown, by sign manual, to establish a general civil list throughout every province of North America, to an indefinite extent, with salaries, pensions, or appointments. It provides, that after all such ministerial warrants, under the sign manual, "as are thought proper and necessary," shall be satisfied, the residue of the revenue shall be at the disposal of Parliament. Contemporaneously with the Stamp Act a law had been passed by Parliament, that obliged the several assemblies to provide quarters for the soldiers, and furnish

them with fire, beds, candles, and other articles, at the expense of the respective colonies.

The British Government receiving intelligence that New York had refused to provide for quartering the troops, a law was passed "for restraining the Assembly of that province from all legislative functions, until it had complied with the Act of Parliament, for the furnishing his Majesty's troops with the requisite necessaries. The suspension of the House of Representatives in one colony justly excited alarm in all the rest; for it was perceived that, by a parity of reason, others might be put on their trial for good behaviour, of which the British Ministry would be the sole judges. Georgia displayed some stubbornness on this same point; but the withdrawal of the troops, leaving the colony exposed to Indian invasion from without, and negro insurrection within, soon brought the Assembly to terms.

The Parliament also passed an act for establishing a Custom-house and a Board of Commissioners in America. The act was to come into operation after the 20th day of November; and, in the beginning of that month, three Commissioners arrived at Boston. The colonists,

believing that this Board was designed to enforce the new duties, were inflamed against them and their employers to the highest degree, and pronounced the appointment unconstitutional and oppressive. This measure called forth additional essays on colonial rights, and, among others, the celebrated "Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies," which had a rapid and extensive circulation throughout North America. The passage of these acts, and the determination they evinced to raise a transatlantic revenue, brought the provincials in a body to the ground, originally taken by Otis, that imposts on trade, if designed for fixed purposes, were just as much a violation of their rights as any other tax. The acts accordingly met everywhere with the utmost opposition, and were denounced in resolves, petitions, addresses, and remonstrances.

Early in February the Pennsylvanian Assembly took into consideration the act, imposing duties on paper, glass, paints, and teas, and gave positive instructions to its agents to unite with those of the other plantations, in applying to Parliament for relief. The Assembly of Massachusetts adopted a more grave and ex-

tensive measure.. They drew up a circular letter to the sister colonies, in which they observed that "they had taken into their serious consideration the great difficulties that must accrue to themselves and their constituents, by the operation of several Acts of Parliament, imposing duties on the American provinces," related the steps which they had taken in petitioning the King, and requested their co-operation in suitable measures to obtain redress.

In their instructions to their agent, which is a very ably written paper, they furnished him, at length, with the arguments best suited to serve their cause.

"It is the glory of the British Constitution," they said, "that it has its foundation in the laws of God and Nature. It is a natural and essential right, that a man shall quietly enjoy and have the sole disposal of his own property. This is recognised in the Constitution. And this natural and constitutional privilege is so familiar to the people in America, that it would be difficult, if possible, to convince them, that any necessity can render it just and equitable that Parliament should impose duties or taxes on them, internal or external, for the sole

purpose of raising a revenue. The reason is obvious, that they are not represented, and their consent cannot constitutionally be had in Parliament." "The security of property and right is the great end of Government; and such measures as render right and property precarious, tend to destroy Government also. But what property can the colonists be supposed to have, if their money can be granted away by others, and without their own consent? Yet this is the case at present, for they were in no sense represented in Parliament, when the Act for raising a revenue in America was passed. The Stamp Act was complained of as a grievance, and is there any difference between the late Act and that? They were both designed to raise a revenue."

Amidst these distractions, a new establishment was created in England, by which a Secretary of State was appointed to the department of the colonies, superseding, in many particulars, the power and authority of the Board of Trade, which was a most unwise measure. The letter of Massachusetts to the Assemblies of the other provinces, occasioned an order from Lord Hillsborough, who first filled the new

office, to the King's representative, to call on the General Court to rescind the resolution on which it was founded, on pain of dissolution; while he, at the same time, addressed a circular dispatch to the Governors of the several provinces to whom the seditious letter had been sent. "As his Majesty," he observed, "considers this measure to be of the most dangerous and factious tendency, calculated to inflame the minds of his good subjects in the colonies, and promote an unwarrantable combination, and to exhibit an open opposition to, and denial of, the authority of Parliament, and to subvert the true principles of the constitution, it is his Majesty's pleasure, that you should immediately, upon the receipt hereof, exert your utmost influence to defeat this flagitious attempt to disturb the public peace, by prevailing upon the Assembly of your province to take no notice of it, which will be treating it with the contempt it deserves."

When the demand was made on the General Court to rescind the obnoxious proceedings, they replied to the Governor that "that resolution has now no existence but as a mere historical fact. Your Excellency must know that it is, to speak in the language of the common

law, not now executory, but to all intents and purposes executed. If, as is most probable, by the word 'rescinding' is intended the passing a vote in direct and express disapprobation of the measure taken by the former house as illegal, inflammatory, and tending to promote unjustifiable combinations against his Majesty's peace, crown, and dignity, we must take the liberty to testify and publicly to declare that we take it to be the native, inherent, and indefeasible right of the subject, jointly or severally, to petition the King for the redress of grievances; provided always that the same be done in a decent, dutiful, and constitutional way, without tumult, disorder, and confusion. If the votes of the House are to be controlled by the direction of a Minister, we have left us but a vain semblance of liberty. We have now only to inform you, that this House have voted not to rescind; and that, on a division on the question, there were ninety-two nays, and seventeen yeas." The next day the Governor dissolved the Assembly.

Most of the other Legislatures approved of the transactions of Massachusetts, and harmonized with that colony in resolves and petitions. Connecticut, New Jersey, Virginia, and Georgia

had given a cordial response to its circular, and in Maryland and New York, Lord Hillsborough's interference produced an effect the opposite of what he desired. The burgesses of Virginia voted a memorial to the Lords, and a remonstrance to the Commons, against the late acts of Parliament. They dwelt with particular force upon the act suspending the legislative powers of the New York Assembly. In consequence of these resolutions Lord Boutetourt, who had succeeded Fouquier as Governor, dissolved the local Parliament. The assemblies of Maryland and Georgia having approved the proceedings of Massachusetts, were also dissolved. The New York Assembly still obstinately refusing to make the required provision for the troops, that body was dissolved in like manner.

But this appeal to the people made no change in the character or temper of the burgesses. At a new election, the popular side was even strengthened. Meanwhile the merchants had been greatly irritated by increased strictness in the collection of duties, and by suits even for past breaches of the revenue laws. Great offence was also taken on another subject: on the arrival of the sloop 'Liberty,' laden with wine from

Madeira, it appeared that she had discharged her cargo, and in part reloaded with a quantity of oil, which was done under pretence of converting her into a store, without any attention having been paid to the new laws, or to the Custom-house regulations. Upon the seizure, the officers made a signal to the 'Romney' man-of-war, and her boats were sent manned and armed, who cut away the sloop's fasts, and conveyed her under the protection of that ship. The populace, having assembled in great crowds upon this occasion, pelted the Commissioners of the Customs with stones, broke one of their swords, and treated them in every respect with the greatest outrage; after which they attacked their houses, demolished the windows, and hauled the collector's boat to the common, where they burned it, to the great delight of the mob. The officers of the customs, upon these extraordinary acts of violence, found it necessary for the security of their lives to retire on board the man-of-war, from whence they removed to Castle William, a fortification on a small island in the harbour, where they resumed the functions of their office.

In the mean time, town meetings were held,

and a remonstrance presented to the Governor, in which the rights they claimed were supported in direct opposition to the Imperial Legislature, and an extraordinary requisition made that he would issue an order for the departure of his Majesty' ship the 'Romney' out of the harbour. Whilst things were in this unhappy situation, two regiments were ordered from Ireland to support the civil government, and several detachments from different parts of the continent rendezvoused at Halifax for the same purpose. No menace made by the most dangerous and cruel enemy could excite a greater alarm than this intelligence did at Boston, where it was regarded as an act of invasion or conquest. Upon the first rumour of it, a meeting of the inhabitants was immediately summoned at Faneuil Hall, where they chose one of their late popular representatives as moderator. A committee was then appointed to wait on the Governor, to know what grounds he had for intimations he had lately given that some regiments of his Majesty's forces were expected in that town, and at the same time to petition him to issue precepts to convene a General Assembly. The Governor answered that his informa-

tion about the arrival of the troops was of a private nature, and that he could not call another Assembly until he received his Majesty's instructions, under whose consideration it now was.

A committee, which had been appointed to consider of the present state of affairs, gave in their report a long declaration and recital of their rights, and the supposed infractions of them, which had been lately made, and passed several hasty resolutions, particularly in regard to the legality of raising or keeping a standing army among them without their own consent. Among other things they recommended a convention of delegates to be chosen. But the most extraordinary act of this town-meeting was a requisition to the inhabitants that, as there *was a prevailing apprehension in the minds of many of a war with France*, they should accordingly be provided with arms, ammunition, and the necessary accoutrements, so as to be properly prepared in case of sudden danger. A day of public prayer and fasting was then appointed, and the meeting dissolved. Ninety-six towns appointed committees to attend the convention, whose first act on assembling was to send a message to the Governor, in

which they disclaimed all pretence to any authoritative acts, stating that they were chosen by the several towns, and came freely and voluntarily, at the earnest desire of the people, to consult and advise such measures as might promote peace and good order in their present alarming situation. They then reiterated their grievances, complained that they were grossly misrepresented in Great Britain, and pressed the Governor in the most urgent terms to convoke a General Assembly. In reply, he admonished them, as a friend to the province, and a well-wisher to themselves, to separate immediately. This answer produced a message, wherein they justified their meeting as being only an assemblage of private persons, and desired explanations as to the criminality with which their proceedings were charged. The Governor refused to receive that or any other communication from them, as it would be admitting them to be a legal assembly, which he would not by any means allow. The convention then appointed a committee, who drew up a report, in which they assigned the causes of their meeting, disclaimed all pretence to any authority whatsoever, and recommended the

people to pay the greatest deference to Government, and to wait with patience for the result of his Majesty's wisdom and clemency for a redress of their grievances. Having then prepared a representation of their conduct, and a detail of many of the late transactions, to be transmitted to their agent in London, they returned to their homes. The day after they adjourned, the fleet from Halifax, consisting of several frigates and sloops of war, and some transports, with two regiments and a detachment of artillery, arrived in the harbour. When the Council was called upon to find accommodation for them, they insisted that they should occupy the barracks out of the town, at the Castle; for if the act for quartering soldiers was at all applicable to them, it could only be so when no other provision could be found. When peremptorily ordered to do so, they said that it was the duty of the select men, who, when applied to, shifted off the task upon the justices, who in their turn replied that raising or expending money belonged solely to the General Court. In the mean time two regiments were landed; one was encamped on the Common, and the other lodged in the Town-hall and other places, while preparation

was made by the Governor for erecting a building for their reception; but this was soon demolished by the mob.

When Parliament assembled, all the papers relating to the colonies, and particularly to the recent riots in Massachusetts, were laid before the two Houses. The Lords severely censured those proceedings, particularly the convention held at Boston. They approved of the conduct of the Ministry, and recommended instructions to the Governor of Massachusetts, to obtain full information of all treasons, and to transmit the offenders to England, to be tried there under an old statute of Henry VIII. for the punishment of treasons, committed out of the kingdom.*

In the spring of 1769, writs were issued for the choice of representatives, to meet at Boston, on the last Wednesday of May. When they assembled, before attending to the usual business of the session, or choosing councillors, the House adopted resolutions and a protest, in which they declared that they would, to the utmost of their power, support and maintain a constitutional freedom in their elections, debates

* See Bradford's Hist. Mass.

and deliberations, that having an armed force by sea and land, in and near the metropolis, while the legislature was in session, was a breach of privilege, and inconsistent with that dignity and freedom, with which they had a right to deliberate and determine; and they proceeded to take part in the elections of the day, from necessity only. When the Governor found the House thus firm, he adjourned the General Court to Cambridge; and there again reminded them, that much time had been spent, and the public business still remained undone. He stated what he thought necessary to be attended to, and requested them to dispatch it, that the legislature might be adjourned.

"We have already declared," they said, "our sense of the injury done this people, by the exertions of a few selfish men, who have caused the quartering of regular troops among us in a time of peace; even in time of war, the Act of Parliament only requires provision to be made by a colony for a short period, while they are on their way to their final destination. The whole continent has been sometime distressed with Acts of Parliament, imposing taxes, for the purpose of raising a revenue from the people

without their consent, or those of their representatives, and we take leave to say that we deem all such acts to be for laying a tribute for the purpose of dissipation among pensioners and placemen. And if the present be continued, it will be difficult to distinguish the case of widows and orphans in America, plundered by infamous informers, from those who suffered under the most oppressive of the Roman Governors of provinces. The free representatives of the yet free people of America are called upon to advance such sums of money, as those may demand over whom we have no control. As the agents of the people, we ought to grant only what we think reasonable, and they have ability to pay. Your Excellency must excuse us, therefore, in this explicit declaration, that as *we cannot consistently with our honour or interest, and much less with the duty we owe our constituents, so we shall never make provision for the purposes in your two messages mentioned.*"

Finding the representatives unmanageable, Governor Bernard prorogued the legislature, and departed for England, leaving the administration in the hands of the Lieutenant-Governor

Hutchinson. Not long after, the Grand Jury of Suffolk County found indictments against him for libel, in writing letters to the King's Ministers, in which he slandered the inhabitants of the province. The spirit evinced in Massachusetts and Virginia, the two leading colonies, pervaded almost the whole continent. The Assembly of South Carolina refused to find quarters for the troops sent to that province, and they adopted the resolutions of Virginia, as did also the delegates of Maryland and Delaware.

The Legislature of North Carolina did the same thing, and was dissolved in consequence; but the members immediately re-assembled in their private capacity, as had been done in Virginia, and entered into a non-importation agreement, which now for the first time became pretty general. It had been adopted even in Georgia and Rhode Island, hitherto very backward. New Hampshire, also, in spite of Governor Wentworth's influence, was forced into it by threats of non-intercourse.

The partizans of the mother country were stigmatized as Tories, while the opponents of Parliamentary taxation took the name of

Whigs, terms well understood in England. Towards the close of the Session of Parliament, Pownall moved the repeal of Townsend's Act. But instead of meeting the measure by a direct negative, the Ministers proposed a reference of the subject to the next year. Shortly after the prorogation, Lord Hillsborough addressed a circular to the colonial governors, announcing the intention to repeal the clauses of the Act that imposed duties on British goods, it being regarded as "contrary to the true principles of commerce." But the duty on tea, and the right of Parliamentary taxation being still adhered to, this concession had little effect.* The seventeen months during which the British troops had been stationed in Boston (notwithstanding the agreement of the commanding officer to use only a single drum and fife on Sundays) had by no means reconciled the townspeople to their presence. The soldiers were subject to every species of annoyance. Wherever they went, they were followed by mobs, pelted, hooted at, and insulted. If found alone, they were hustled or beaten; if in small parties, they were chal-

* See Hildreth's Hist. United States.

lenged to fight, or provoked to commit a breach of the peace. At last, they were compelled either to remain in their quarters, or to go in sufficient numbers to defend themselves. So systematic and open was this ill-usage, that the people did not even abstain from it when the soldiers were on duty; and on one occasion attacked a picquet-guard of eight men so furiously, that they fired into the crowd, killing three persons, and dangerously wounding five others.

This was the result aimed at throughout. The bells were rung, and a cry spread through the town, "The soldiers are rising." It was late at night; but the population poured into the streets; nor was it without difficulty that a general combat was prevented. The next morning, at an early hour, Faneuil Hall was filled with an excited and indignant assembly. At a town meeting, legally warned, held that afternoon in the Old South Meeting House, the largest building in the town, it was voted "that nothing could be expected to restore peace, and prevent blood and carnage, but the immediate removal of the troops." The funeral of

* See Hildreth.

the slain, attended by a vast concourse of people, was celebrated with all possible pomp. The story of the "Boston Massacre," as it was called, exaggerated into a ferocious and unprovoked assault by brutal soldiers on a defenceless people, produced everywhere intense excitement. The officer and picquet-guard were indicted, and tried for murder. They were defended, however, by John Adams and Josiah Quincy, two young lawyers amongst the most zealous in the popular cause; and so clear a case was made out in their behalf, that they were all acquitted, except two, who were found guilty of manslaughter, and slightly punished.

By a singular coincidence, on the very day that this happened in Boston, Lord North brought forward the promised motion to repeal the whole of Townsend's Act, except the duty on tea. "That," he observed, "had been the occasion of most dangerous, violent, and illegal combinations in America against the importation and use of British manufactures. The English merchants had petitioned against it. As to articles of British produce, ever to have taxed them was indeed an absurd violation of established policy. The tax on tea stood on

a different ground. When that was imposed, a drawback had been allowed on the exportation of tea to America; and as the colonists were thus relieved of a duty amounting on an average to a shilling a pound, they had no right to complain of a tax of threepence, since they gained, in fact, ninepence the pound by the change. He could have wished to repeal the whole act, could that have been done without giving up the right of taxing the colonies—a right he would contend for to the last hour of his life. The proposed repeal, without any relaxation of authority, was intended as a persuasive to bring the colonists back to their duty. The existing combinations in the colonies against the use of British manufactures, he thought would soon come to an end. The obnoxious Quartering Act, limited by its terms to three years, was suffered silently to expire. But the Sugar Act, and especially the tax on tea, as they involved the whole principle of parliamentary taxation, were quite sufficient to keep up the discontent of the colonies."*

In the summer of 1770, the Lieutenant-

* See Bradford.

Governor surrendered the fortress of Castle Island into the hands of the commanding officer of the British troops. The House of Representatives remonstrated against it, as a gross breach of trust, and a most reprehensible disregard of the rights and safety of the people. But he pleaded ministerial instructions, and orders from General Gage at New York. To their agents in London, Franklin and Lee, the Assembly wrote, in most pressing terms, to procure them redress. The former, with his usual sagacity, foresaw the result of these continual struggles between the imperial and local legislatures. In one of his letters, dated in May, 1771, he said "he saw, in the policy of administration, that the seeds were sowing for a total disunion of the two countries. Men are appointed to office and power by the Ministry, who will be insolent and rapacious, and who will become odious to the people, and will misrepresent and calumniate them. They will complain, and apply to the parent government for more power and for aid from the military. The oppressions on the people will lead to riots and violences. Greater force and rigour will be necessary to keep the people in subjection.

Force will beget force in opposition. War will ensue, and the alternative will be absolute slavery or independence. I am no prophet; but history shows that by such steps great empires have been divided."

When the usual proclamation for a public thanksgiving was issued, in the fall of 1771, the people of Boston prevailed on the clergy of the town, and of some places in the country, to omit reading it. Their objection to it was "that it called on the people to give thanks for their civil and religious liberties." They said "it was not true, and that it would be acknowledging their political rights remained unimpaired, which all knew not to be the case. Their rights were denied and violated, and it would be mockery to thank Heaven for the continuance of such a state of things. The partial repeal of the taxes under the new act was considered so unsatisfactory, that some of the principal towns agreed that no tea should be imported, and that if any should be brought into their parts it should be smuggled, to avoid the payment of duty. An association was formed at the same time not to use it until the obnoxious act should be repealed. The Gover-

nor having announced to the Legislature that he had received instructions that his salary and those of the judges would be paid by the Crown instead of the province, in which the amount had hitherto been a subject of continual agitation, they were unwilling to be deprived of this source of annoyance. Far from regarding this payment as a favour, the House denounced it as a violation of the Charter—no better in fact than a standing bribe. After the Court had adjourned, the people of Boston took up the matter. A town meeting was held, at which a large committee of the most active popular leaders was appointed to state the rights of the colonists, especially those of Massachusetts, "as men, as Christians, and as British subjects;" to communicate and publish the same to the several towns of the province and to the world, with the infringements and violations from time to time made, and to request their sentiments on the subject.'*

Adams rendered himself prominent by his publications on this topic. He argued that the judges did not, in fact, hold their offices during

* See Hildreth and Bradford.

good behaviour, though such ought to be the tenure, for there was great danger of their becoming the mere tools of the British Government. Such was the temper of the times, that when the Governor requested that the Province House, so called in Boston, which had often been the residence of the chief magistrate, might be repaired and made fit for the reception of his family, the Court replied, that the building was intended for a Governor who received his support from them; but as he chose to be maintained by the British Government, and declined a salary offered by the province, they did not feel obliged to be at any expense for his accommodation. So much was the importance of this matter exaggerated, that the committee to whom it was referred made a long report, in which they thought it necessary to preface this dreadful grievance, by asserting their inalienable and natural rights as men, for which they were indebted to none but their Creator, and with which no government or prince might interfere except by consent or contract. They then went on to claim equal privileges with their brethren in England, who were represented in Parliament. They added that the Christian religion

gave its sanction to their views of civil liberty, and justified the authority which their fathers had always exercised. They then referred to their grievances, and to the various instances in which their rights had been infringed, and especially to the flagrant attempt of the Crown to bribe the Governor and judges by paying their salaries. In their circular letter to the other towns in the province, they expressed their fears "that a system of despotism and oppression was preparing, which, unless soon and vigorously opposed, would seal their political degradation." "They should deeply regret," they said, "if there were not a spirit still existing such as animated their ancestors, which induced them, in the face of every difficulty and danger, to forsake their native country, and make a settlement *on bare creation. They were not afraid of poverty, but they disdained slavery.*"

Most of the towns in the province replied to this address, and manifested the same uncompromising temper. Nearly a whole session of their legislature was occupied with this subject. The House requested the judges to decline receiving their salaries from England. Three of

of them declared their readiness to accept them from the province, as they had done. But Mr. Oliver, the Chief Justice, said, "he dare not decline drawing it from England without leave first obtained from the King." It was then voted that, by this conduct he had become obnoxious to the good people of the province, and had rendered himself unfit to hold the office of a Justice of the Court. The House then remonstrated to the Governor and Council against the conduct of the Chief Justice, and prayed for his removal from office. The former refused to consult with them on the subject, on the ground that it belonged to the King alone to suspend or recall him. The Assembly then addressed themselves to the Council, and requested the Governor to have the matter submitted to the Board, but he took no notice of the application.* The delegates thereupon resolved by a vote of ninety-six to nine, to impeach the Chief Justice of high crimes and misdemeanors, and both the branches passed a resolution for the adjournment of the Court to a distant day. It was proposed in the Assembly

* See Bradford.

to memorialize the King to recall the Governor, who had thus interposed his shield to protect the judges; but it was opposed by one of the members (Hawley) on this remarkable ground, " as his remove would deprive them of a cause of clamour."* A better key to their conduct is not to be found in the whole of their history.

The people were so far wrought upon by these measures, that the grand juries in Middlesex and Worcester, where the superior Courts were held in April, refused to take the usual oaths, or to proceed to business, until they were assured that Chief Justice Oliver would not attend. When a population had been so long trained to disregard authority, it was natural that they should soon break out into open acts of violence.† The 'Gaspé,' an armed schooner, which had been stationed at Providence, and had been very assiduous in supporting the laws of trade, excited much resentment by firing at the Providence packets, to oblige the masters to take down their colours, and by chasing them, in case of refusal, even into the docks. A packet coming up to Providence with passengers and

* Chalmer's Hist. Am. Col.

† See Holme's Annals. Hildreth.

refusing to pay that tribute of respect, was fired at by the lieutenant, and chased. It being about high water, the packet stood in as closely possible with the land, designing that the schooner should be run aground in the pursuit. The artifice succeeded. The 'Gaspé' was soon fast, and the other proceeded to Providence, where a plan was laid to destroy the obnoxious vessel. Captain Whimple was immediately employed to beat up for volunteers; several whaleboats were procured, and filled with armed men; and, about two o'clock the next morning, they boarded her as she lay aground. The Lieutenant, with whatever was most valuable to him, was sent ashore, with the crew; and the cutter, with all her stores, was burned. A reward of £500, together with a pardon, if claimed by an accomplice, was offered by proclamation, for discovering and apprehending any person concerned in this action.

In consequence of this daring outrage, an Act of Parliament was passed, for sending to England for trial, all persons concerned in the colonies, in burning or destroying his Majesty's ships, dockyards, or military stores. But though the perpetrators were well known, no legal

evidence could be obtained against them. The British Government, though determined to carry into execution the duty on tea, attempted to effect by policy, what was found to be impracticable by constraint. The measures of the colonists had already produced such a diminution of exports from Great Britain, that the warehouses of the East India Company contained about seventeen millions of pounds of tea, for which a market could not readily be procured. The unwillingness of the directors to lose their commercial profits, and of the Ministry to forego the expected revenue from the sale of it in America, led to a compromise for the security of both. The former were authorized by law to export their tea free of duties to all places whatever; by which regulation, though loaded with an exceptionable tax, it would come cheaper to America, than before it had been made a source of revenue.

The crisis now approached, when the colonies were to decide, whether they would submit to be taxed by the British Parliament, or practically support their own principles, and meet the consequences. One sentiment appears to have pervaded the entire continent. The new Minis-

terial plan was considered as a direct attack on the liberties of the colonists, which it was the duty of all to oppose; and a meeting was held, when the agreement not to purchase or use tea, was revived, and it was further determined that that article should not be landed at all. The consignees were desired not to receive it, or allow it to be taken from the vessels. They declined giving any such promise. A second meeting was called, when it was voted, "that the duty on tea was a tax on the people, imposed without their consent; and that sending the article into the province in this manner was an attempt to enforce the plan of the Ministry to raise a revenue, and was therefore a direct attack on the liberties of the people; and that whoever should receive or vend the tea would prove himself an enemy to the country."* A committee of the town was again directed to wait on the consignees with a request that they would have no concern with the cargoes; but they returned an evasive answer, which was declared to be unsatisfactory.

When the tea arrived, another meeting was

* See Bradford.

held in Boston, attended also by the inhabitants of other towns, some of them at the distance of twenty miles. There was an unusual excitement. It was said "that the hour of ruin or of manly opposition had come." The word went forth "for all who were friends of the country to make a united resistance to this last and worst measure of the English administration, to use all lawful efforts to prevent the landing of the tea, and to have it returned to England." The consignees became alarmed, and promised to advise that it should be sent back; but this was not sufficiently decisive to satisfy the people.

In the mean time, application was made to the Governor to order clearances for the vessels, that they might return; but he declined, saying that it belonged to the officers of the customs to decide in such cases. He had already called upon the Council for advice as to a guard to prevent riots, and to protect the merchants in landing the teas; but they refused to interfere in the affair, as the civil magistrate was competent to order it. On the following day, the citizens again assembled, to learn the decision of the factors of the vessels and cargoes, when

the sheriff appeared with a proclamation from the Governor, which declared the meeting unlawful, and ordered the people to disperse. But a vote passed unanimously that they would not separate, as the meeting was regular, and their object important. They again resolved that they would prevent the landing of the tea, at every hazard, and requested the assistance of their fellow-citizens from the country towns, on due notice to be given, if the exigency should require it. Accordingly a number of men in disguise, as the meeting broke up, at the approach of night, proceeded to the vessels, and soon threw all the tea into the dock.

The people throughout the province approved of the resistance of the inhabitants of Boston, and declared their readiness to support them in opposition to all unjust and oppressive measures of the British Ministry. The opinion was increasing "that if they would maintain their rights and liberties, they must fight for them." The vessel bound for Pennsylvania was stopped four miles below the city, and information having just arrived of the destruction of the tea at Boston, the captain was persuaded to return to England without attempting to land his cargo.

Another, similarly laden, destined for Boston, was wrecked on Cape Cod. The few chests of tea, saved from her cargo, were placed by the Governor's order in the castle; but some twenty more, brought by another conveyance on the private account of some Boston merchants, were thrown into the water. After great delays, the New York tea ship arrived at Sandy Hook. The pilots refused to bring her up, and a Committee of Vigilance soon took possession of her. The captain was informed by a deputation that he must take back the ship and cargo; but the consignee refused to give any orders for that purpose. Meanwhile another vessel arrived, and on the assurance that she had no tea on board, was allowed to come up to the town. But a report to the contrary soon spread; and the captain was obliged to acknowledge that he had eighteen packages, not belonging to the East India Company, but a private adventure. The populace immediately seized them and threw them into the river.

A day or two after, with great parade, headed by a band playing "God Save the King," the bells ringing, and colours flying from the liberty

pole and the shipping, the captain of the East India tea-ship was escorted from the Custom House to a pilot boat, which took him to the Hook, where, under the directions of the "Committee of Vigilance," the anchors were weighed, and the vessel started on her homeward voyage. The 'Charleston' tea-ship reached that city without obstruction, and landed her cargo; but it was stored in damp cellars, where it soon became utterly worthless.

Intelligence of the destruction of the tea at Boston* was communicated on the 7th of March, in a message from the throne, to both Houses of Parliament, and the conduct of the colonists represented, as not merely obstructing the commerce of the kingdom, but as subversive of the British Constitution.† Although it was evident that the opposition to the sale of tea was common to all the colonies, yet the Parliament, enraged at the violence of Boston, selected that town as the object of Legislative vengeance. A bill was accordingly passed by which that port was legally precluded from the privilege of landing and discharging, or of

* See Hildreth, vol. II.

† Holmes, vol II.

lading and shipping goods, wares and merchandise. This Act, which shut up the harbour of Boston, was speedily followed by another, entitled an Act "for the better regulating the Government of Massachusetts." The object of this law was to abridge the Charter of the province in several important particulars. The Council heretofore elected by the General Court, was to be nominated by the Crown; the Royal Governor was invested with the power of appointing and removing all judges of the inferior Courts of Common Pleas, Commissioners of Oyer and Terminer, the Attorney-General, Provost-Marshal, Justices, Sheriffs, &c.; town meetings, which were sanctioned by the Charter, were, with few exceptions, forbidden, without leave previously obtained of the Governor in writing, expressing the special business for which it was called, and with a farther restriction, that no other matter should be treated of, except the election of public officers; jurymen who had been elected before, by the freeholders and inhabitants of the several towns, were to be summoned and returned by the sheriffs of the respective counties. The whole Executive Government was taken out of the hands of the

people, and the nomination of all important officers invested in the King or his representative.* In the apprehension that, in the execution of these acts, riots would take place, and that trials for murders, committed in suppressing them, would be partially decided by the colonists, it was provided by law, that if any person were indicted for any capital offence, committed in aiding magistracy, the Governor might send him to another colony, or to Great Britain, to be tried.

These three acts were passed in such quick succession, as to produce the most inflammatory effects in America, where they were considered as forming a complete system of tyranny. "By the first," said the colonists, "the property of unoffending thousands is arbitrarily taken away; by the second, our chartered liberties are annihilated; and by the third, our lives may be destroyed with impunity."

Shortly after this, General Gage arrived at Boston, and assumed the government. Having convened the Legislature at the capital, he addressed them in the usual form, and prorogued

* Holmes.

them to Salem. On the reopening of the Court, in reply to his inaugural speech, they reflected so severely on his two immediate predecessors, that he refused to hear the answer read through. The representatives, as usual, returned to their grievances, passed resolutions advising the citizens of Boston to be firm and patient, and recommended their brethren of the other towns to assist the distressed people of the metropolis. They strongly urged an entire abstinence from the use of British goods, and of all articles subject to Parliamentary duties. They also requested the Governor to appoint a fast, and when he refused, ordered one themselves. They then decided "that a meeting of committees from the several colonies on this continent is highly expedient and necessary, to consult upon the present state of the country, and the miseries to which we are, and must be, reduced, by the operation of certain Acts of Parliament; and to deliberate and determine on wise and proper measures, to be recommended to all the colonies, for the recovery and re-establishment of our just rights and liberties, civil and religious, and the restoration of union and harmony between Great Britain and America, which is

most ardently desired by all good men." The 1st of September was designated as the time of holding this Congress, and Philadelphia the place of meeting. The speaker, and four others, were chosen delegates. A treasurer was appointed, and the towns were called upon to pay in their respective shares of the sum of £500, voted to the delegates in payment of their expenses, to be assessed on the inhabitants according to the last appointment of local taxes.

Hardly was this business completed, when Gage, informed of what was going on, sent the provincial secretary to dissolve the Court. Finding the doors shut, and being denied admittance, he read on the steps the Governor's proclamation, and thus terminated the last session of the last provincial General Court of Massachusetts.

The non-importation or consumption agreement recommended by it, had been adopted at a meeting in Boston, in the form of a "solemn league and covenant," to commence on the 1st of October following.

A committee, consisting of two members from each province, reported at this Congress, a "declaration of colonial rights," in which the enjoyment of life, liberty and property were

claimed. The privilege of being bound by no law to which they have not assented by their representatives, was asserted by them in their character of British subjects. The sole and exclusive power of legislation for the provinces, was declared to reside in their Assemblies, reserving to Parliament the enactment only of those laws that might be essential to the *bona fide* regulation of trade, but including all taxation, internal or external. The common law of England was insisted upon as the birthright of the people, including a trial by jury of the vicinage, the right of public meetings, and petition. A protest was also made against standing armies being maintained in the colonies without their consent; and against legislation by Councils dependent on the Crown. All immunities hitherto enjoyed in the plantations, whether by Charter or custom, were claimed as established rights, beyond the power of the mother country to abrogate. Eleven Acts of Parliament, passed since the accession of George III., the Sugar, the Stamp, and the two quartering Acts, the Tea, the Quebec, that for suspending the New York Legislature, and the two Acts authorising the

trial in Great Britain of offences committed in America, together with the Boston Port Bill, and the law for regulating the Government of Massachusetts, were enumerated in conclusion, as having been passed in derogation of colonial jurisdiction. To enforce these claims, fourteen articles were agreed upon as the basis of an "American Association," pledging the subscribers to an entire commercial non-intercourse with Great Britain, Ireland, and the West Indies, and the non-consumption of tea and British goods; the former to be extended to such provinces of North America as should decline to come into the association, and to last till the obnoxious Acts of Parliament should be repealed. The latter clauses were to commence in December, but those prohibiting importation were postponed for nine months longer.

Governor Gage had issued writs for holding a General Assembly at Salem, but afterwards judged it expedient further to prorogue the meeting. The legality of the measure was questioned; and the new members, to the number of ninety, meeting according to the precept, and neither the Governor nor any sub-

stitute attending, they resolved themselves into a provincial congress, and soon after adjourned to Concord. They there chose Mr. John Hancock president; and appointed a committee to wait on the Governor with a remonstrance, concluding with an earnest request that he would desist from the "the construction of the fortress, at the entrance into Boston, and restore that pass to its neutral state." The Governor expressed himself indignantly at their supposition of danger from English troops to any, except enemies; and warned them to desist from their illegal proceedings. Without regarding his admonition, they adjourned to Cambridge, and, when reassembled, they appointed a committee to draw up a plan for the immediate defence of the province; resolved to enlist a number of the inhabitants, to be in readiness to turn out at a minute's warning; elected three general officers to command those minute men and the militia, in case of their being called out to action; and appointed a committee of safety and another of supplies.

The same congress, meeting again in November, resolved to raise twelve thousand men, to act on any emergency; that a fourth

part of the militia should be enlisted, as minute men, and receive pay; appointed two additional general officers, and sent persons to New Hampshire, Rhode Island, and Connecticut, to inform those colonies of its measures, and to request their co-operation, in making up an army of twenty thousand men.* A committee was appointed to correspond with the inhabitants of Canada, and a circular letter was addressed to the several ministers in the province, requesting their assistance in averting the threatened slavery.

Towards the close of the year, a proclamation, that had been issued by the King, prohibiting the exportation of military stores from Great Britain, reached America. The people of Rhode Island no sooner received an account of it, than they removed from the public battery about forty pieces of cannon; and the Assembly passed resolutions for obtaining arms and military stores, and for raising and arming the inhabitants. In New Hampshire, four hundred men assailed his Majesty's castle, at Portsmouth, stormed it, and confined the garrison until they

* Holmes.

had broken open the magazine, and taken away the powder.*

The British Government did not relax its coercive measures relative to the colonies. The King, in his speech to Parliament, towards the close of the preceding year (30th November) had stated, "that a most daring spirit of resistance and disobedience to the laws unhappily prevailed in the province of Massachusetts, and had broken forth in fresh violence of a very criminal nature; that these proceedings had been countenanced and encouraged in his other colonies, and unwarrantable attempts made to obstruct the commerce of his kingdom, by unlawful combination; and that he had taken such measures, and given such orders, as he judged most proper and effectual for carrying into execution the laws which were passed in the last session of the late Parliament, relative to the province of Massachusetts." An address, proposed in the House of Commons, in answer to his speech, and echoing it, produced a warm debate, but it was carried by a large majority. A similar address was carried, after a spirited

* Holmes.

debate, in the Upper House, but nine Lords entered a protest against it.

When the despatches and papers relative to the colonies were laid upon the table, a joint address from the Lords and Commons, was presented to his Majesty, in which they returned thanks for the communication of the official documents; gave it as their opinion, that a rebellion actually existed in the province of Massachusetts Bay; besought his Majesty to take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature; and in the most solemn manner assured him, that it was their fixed resolution, at the hazard of their lives and property, to stand by his Majesty against all rebellious attempts, in the maintenance of the just rights of the Crown, and the two Houses of Parliament. The next day, Lord North moved for leave to bring in a bill to restrain the trade and commerce of the provinces of New Hampshire, Massachusetts, Rhode Island, and Connecticut, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit those colonies from carrying on any fishery on the banks of Newfoundland, and any

other places to be mentioned in the bill, under certain conditions, and for a limited time. After much opposition, in both Houses, the bill was carried by a large majority.*

While this bill was depending, Lord North suddenly moved what he termed a conciliatory proposition, the purport of which was, that Parliament would forbear to tax any province which should engage to contribute its proportion to the support of the Civil Government, and the administration of justice in such colony. This proposition, which at an earlier period of the dispute, would have been accepted as a great boon, had now no beneficial effect whatever, and was construed into an attempt to divide the provincials.

Soon after Parliament had passed the bill for restraining the trade of New England, intelligence was received that the inhabitants of the middle and southern counties were supporting their northern brethren in every measure of opposition, which occasioned a second bill to be brought in and passed, imposing similar restrictions on the colonies of East and West Jersey, Pennsylvania, Maryland, Virginia, South Caro-

* Holmes.

lina, and the counties on the Delaware. The three excepted colonies declined the favour, and submitted to the restraints imposed upon their neighbours. Tarring and feathering, and other acts of personal outrage, became now so common in Massachusetts, that all suspected partizans of the mother country were obliged to seek refuge with the troops.

A considerable quantity of military stores having been deposited at Concord, an inland town about eighteen miles from Boston, General Gage proposed to destroy them. For the execution of this design, he, on the night preceding the 19th of April, detached Lieutenant-Colonel Smith and Major Pitcairn, with eight hundred grenadiers and light infantry, who, at eleven o'clock, embarked in boats at the bottom of the common in Boston, crossed the river Charles, and landing at Phipps' farm, in Cambridge, commenced a silent and expeditious march for Concord. On the arrival of the British troops at Lexington, towards five in the morning, about seventy men, belonging to the minute company of that town, were found on the parade under arms, with whom a conflict arose, that ended in the death of eight Americans. The

British detachment then proceeded to Concord, where they disabled two twenty-four-pounders, threw five hundred pounds of ball into the river and wells, and broke in pieces about sixty barrels of flour. All the people of the adjacent country were by this time in arms, and attacked the retreating troops in every direction. Some fired from behind stone walls and other coverts; others pressed on their rear; and thus harassed, they made good their retreat six miles back to Lexington. Here they were found by Lord Percy, who, most opportunely for them, had arrived with a detachment of nine hundred men and two pieces of cannon. The close firing from behind stone walls, by good marksmen, put them into no small confusion; but they kept up a brisk retreating fire on the militia and minute men. A little after sunset, the regulars reached Bunker's Hill, and next morning marched into Boston.

The battle of Lexington, as this skirmish was called, was a signal of war. The forts, magazines, and arsenals throughout the colonies, were instantly secured for the use of the provincials. Regular forces were raised, and money was issued for their support. An army of

twenty thousand men appeared in the environs of Boston, and formed a line of encampment from Roxburg to the river Mystic. The army was soon increased by a large body of troops from Connecticut, under Colonel Putman, an old and experienced officer; and by these collective forces, the King's troops were closely blocked up in the peninsula of Boston. This was the commencement of the revolutionary struggle. The battle of Breeds, or, as it is commonly called, Bunker's Hill, followed on the 15th of June, 1775; and on the 2nd of July, Washington, who had been unanimously chosen by the Continental Congress, Commander-in-Chief of the colonial army, arrived at the camp at Cambridge, and entered upon the arduous and difficult duties of his high and responsible office. Of the events of the war I shall not attempt to give any account, as they are wholly unconnected with the object of this work, and are all either well known or fully recorded in numerous contemporaneous histories, both English and American. Its results are soon told. On the 30th of November, 1783, provisional articles of peace, between Great Britain and the United States, were agreed to be inserted for-

mally into a treaty, by which the independence of the latter was acknowledged in its fullest extent.

Thus were thirteen extensive and valuable colonies severed from Great Britain at one time. On their part, they owed their origin to dissent and disaffection, and their independence to rebellion. On the part of England, they were suffered to grow up to maturity in neglect. As soon as they became opulent, she resolved to tax them without their consent, and in the contest that ensued, showed that the injustice of the measure was only equalled by the imbecility with which it was attempted to be enforced.*

* Although the contest was a very unequal one, the disparity was not so great as appears at first sight. De Pradt, in his work entitled "The Colonies," has some very judicious remarks on this subject. See Chap. XIII, p. 217, Lond. Ed. "Three millions," he says, "of Americans felt themselves strong enough to resist, with their whole mass, the detachments which England could send against them. England could put a fraction of her population — a very particle — in motion. America could defend herself with all hers. She had, therefore, no need to be equal to England in population, but only in that part of that population which was disposable against her; these never amounted to more than ten or twenty thousand English that

The annals of civilized countries may be searched in vain for such a series of "Rule and Misrule," as that exhibited by Great Britain in her conduct towards her American provinces.

could proceed to attack her; and, on her side, it was with the whole of her population that she was enabled to repel the attack. The former were under the necessity of making a long voyage, under all the disadvantages of maritime expeditions; the American population was at hand in the country. The parent state could not displace herself, in a body, as a nation; a nation, on the contrary, can defend herself, with the advantage of the presence of all its members on the theatre of war. The issue of the contest could not be doubtful, and never will be doubtful against proportions so very different. In all this there is but one thing that astonishes us, and that is, that a people so enlightened as the English ever engaged in such a contest."

CHAPTER VI.

Reasons for confining political sketch solely to Canada —Proclamation for establishing the Government at Quebec and inviting emigration—An express promise given that the laws of England should be introduced —First great error was ordering a code of laws to be compiled for the French, restoring the old tenure of that estate—Quebec Act—Character of Loyalists—Constitution Act, 31 George III., c. 31, divides Canada into two provinces—Form of Government—The above-named Acts of Parliament the cause of all the Canadian troubles—Mistake in allowing French to be the recording language, and in giving constitutional government before people were ready to receive it—First House of Assembly—Proportion of English and French members—Gradual change in character of delegates — Impeachment of judges—Repeated reference to Parliament—Lord Aylmer entreats the Assembly to bring forward all their grievances at once—Commission of Inquiry—Stop-

page of supplies — Distress of public officers — Rebellion—Thorne's conduct—Arrival of Lord Durham—Review—Responsible Government—Enumeration of the defects of the system—Remedies suggested.

At the conclusion of the War of Independence, there remained in possession of Great Britain but two provinces, Canada and Nova Scotia. The latter has subsequently been divided into two governments—one retaining its ancient name, and the other called New Brunswick. These two last I shall pass over altogether. In point of territory they are severally very extensive; but their population is still small, although it possesses the great advantage of being homogeneous, well affected, and easily governed. A sketch of their political history would therefore be devoid of general interest in Europe. My remarks will be exclusively applied to Canada;* so much so, that although there is a striking similarity in the constitution of all, I shall not even notice those particulars in which they differ or agree, or

* The first part of this chapter has been abridged from more extended works of the author on colonial matters and from provincial histories.

allude to them in any way whatever. That which may be made to work satisfactorily in a small colony, like Nova Scotia or New Brunswick, is as obviously inapplicable to a vast country like Canada, peopled by two irreconcilable races as that of Great Britain, with its House of Peers, system of entail and intrinsic connection of Church and State, would be to an American province. It does not follow therefore, that where defects are pointed out in the structure of the Canadian Government, that they exist elsewhere under the same institutions; for the character of the people, and their intelligence may be so different, that what is too democratic in one, may be too aristocratical or restrictive in the other. There, they may be so glaring as to require a remedy. Here, they may not be apparent, or if perceptible, not inconvenient. While at the same time, if their pressure is felt, modification only may be necessary, and not an organic change.

For this reason, I wish to guard myself from making sweeping assertions, which, for the causes I have assigned, cannot be in all cases accurate, inasmuch as they could not always stand the test of universal application. I shall

not therefore enter into any comparisons or digressions whatever, but limit my observations to the "Empire Colony" of Canada, the political changes of which I shall endeavour very briefly to sketch.

By the Treaty of Peace, in the year 1763, Canada was ceded in full sovereignty and right to his Britannic Majesty; and the French inhabitants, who chose to remain in the country, were secured in the enjoyment of their property and possessions, and the free excercise of their religion. In the month of October following, his Majesty published a proclamation for erecting the Government of Quebec, and exhorted his subjects, as well of Great Britain and Ireland, as also of his colonies in America, to avail themselves of the benefits and advantanges that would accrue from this great and valuable acquisition to their commerce, manufactures, and navigation. As an encouragement to them to do so, he informed them, that in the commission he had forwarded to the Civil Governor, he had given him express power and directions to summon, so soon as circumstances would admit, a General Assembly, in such manner as was used in those colonies in America, which

were under his Majesty's immediate government; and until a legislature could be organized, all persons resorting there might confide in the royal protection, for the enjoyment of the benefit *of the laws of his realm of England;* that for that purpose, he had given power under the Great Seal to the Governor, to erect and constitute Courts of Judicature, for the hearing and determining of all causes, as well criminal as civil, as near as might be, *agreeably to the laws of England;* and with liberty to all persons to appeal, under the usual limitations and restrictions, to his Majesty in his Privy Council.

It appears, therefore, both from the proclamation and commission, that the Ministry were evidently of opinion that, by the refusal of General Amherst, to grant to the Canadians the continuance of their ancient laws and usages, and by the reference made, in the fourth article of the definitive treaty of peace, to those of Great Britain, as the measure of indulgence intended to be shown them with respect to the exercise of their religion, sufficient notice had been given them that they would be governed for the future *according to the laws of Eng-*

land. It is evident also, that the inhabitants, after being thus apprised of his Majesty's intention, had testified their consent by continuing to reside in the country, and by taking the oath of allegiance, when they might have withdrawn themselves, with all their effects, within eighteen months, allowed by the treaty of peace for that object. In consequence of this introduction of the *laws of England* into the province, the Governor, in an ordinance, dated the 17th day of September, 1764, directed the Chief Justice and other judges of the province to determine all criminal and civil causes, agreeably to them, with this just and prudent proviso, that the French laws and customs should be allowed and admitted in all causes in the said court, between the natives of the province, in which the cause of action arose before the 1st day of October, 1764.

In consequence of these instruments of government, the *laws of England* were generally adopted. At this time the population of Canada amounted to 65,000 souls, and was chiefly confined to the banks of the St. Lawrence and its tributary streams. As the people had now become British subjects, it was deemed

expedient to introduce, as soon as possible, emigrants of English extraction, as well for the purpose of creating a defensive power within the province, as to induce the French to acquire the language and adopt the habits of their conquerors. The officers and soldiers of the army, that had served in America during the inter-colonial wars, were rewarded with grants of land in the country; and liberal offers were made to the people in the other colonies, and to emigrants from Europe, to remove thither. The facilities of internal transport, the fertility of the soil, and salubrity of the climate, operated so powerfully, that, in a short time, the influx of strangers was so great as to induce the hope that it would speedily rival the New England States in population and wealth; and no doubt can now be entertained that, if the terms of the proclamation had been honestly adhered to, these expectations would have been fully realised.

As a matter of policy, nothing could have been more wise than, since it had now become a British colony, to endeavour, as soon as possible, to make it so in fact, as well as in name. The first fatal error that was com-

mitted was ordering a code of laws to be prepared, with such modifications as would secure to the French the system of tenure and inheritance to which they had been accustomed. This occasioned much delay, and enabled their leaders to represent that any change would alienate the affections of the inhabitants, who would naturally extend to the government the dislike they felt to its institutions. Unfortunately, while this was under consideration, the time had arrived when they could enforce the demands with a threat, and the rebellion, which afterwards broke out in the English provinces (now constituting the United States), made their conciliation a matter of state policy. It was, therefore, determined at once to restore the French laws as they existed at the conquest; and the celebrated Quebec Act, 14 Geo. III., c. 83, was passed for this purpose. This statute enacted, "that his Majesty's subjects, professing the religion of Rome, may enjoy the free exercise of it, and that its clergy may hold and receive their accustomed dues and rights;" and then empowered "his Majesty, his heirs or successors, to make provision for the support of the

Protestant clergy within the said province." But by far the most important clause was one, which, after reciting that the English laws that had prevailed there for ten years, administered and regulated under commissions to governors, had been found inapplicable to the state and circumstances of the country, enacted that from and after the 1st of May, 1775, the said English laws and practice of courts should be annulled. This flagrant violation of the promises held out in the proclamation, and of the terms upon which the people of British origin had settled there, filled them with dismay. They felt that they had the wretched choice presented to them of abandoning their property, or of remaining in a miserable minority, to be ruled and governed by foreigners, whose favour could only be conciliated by their forgetting their country, their language, and their religion as soon as possible, and becoming Frenchmen.

They accordingly lost no time in forwarding petitions, in which they were joined by the merchants of London interested in the North American trade, to the King and the two Houses of Parliament, expressive of their sense

of the injury they had sustained, and the misery likely to be entailed by this statute upon the province. No repeal, however, was effected, and the Act remained as it was passed. But the English found that their opponents were first in the field, whereby they were put on the defensive; so that instead of seeking what was due to themselves, they were compelled to expostulate, that too great a share had been given to their rivals. The advantage the French gained by this position they have constantly maintained, and it is a singular fact, that while the English have been the *only aggrieved party in the country*, the former have forestalled the attention of the public, and engrossed the whole of its sympathy. After the peace of 1783 the Loyalists withdrew from the United States, and the greater part of them removed into Canada, sacrificing their happy homes, and the comfortable estates which they had previously acquired and enjoyed in the revolted colonies, and preferring the inhospitable wilds of the trackless forest, to yielding up their fidelity to their King. They consisted chiefly of the middle and upper classes in their own country, and were an intelligent, active and valuable

body of men. No portion of the British possessions ever received such a noble acquisition.*

The experiment of settling America with republicans, and taxing them without their consent, had been tried and failed. A fairer prospect now opened to England than ever fell to the lot of any European nation, for successful colonization. With an experience of nearly two centuries in the art of planting and governing, with an immense territory, intersected with noble rivers and lakes, abounding in mineral wealth, and a fishery superior to anything in the known world, an intelligent and devoted

* "I could adduce instances of conduct in Loyalists that would do honour to human nature; but there is one which I cannot pass over, because it shows with what firmness men will act, when they are conscious that they have taken the right side of a question. A fort was reduced by the Americans on the River Savannah, and such of the Loyal Militia as were in garrison there, had the alternative offered them of enlisting with the Americans, or being put to death. Amongst the Loyalists was a young man who desired a few minutes to consider the proposal, and after a short pause he resolutely answered, 'that he preferred death to disgrace,' on which account he was immediately cut down."—*Stokes on the British Colonies in North America*, p. 43.

population, and millions of acres of fertile land to reward and incite industry: she possessed all the elements for laying the foundation of a great and prosperous empire. Has she succeeded? If not, where does the fault lie? Is it in the people, or in the government? If it be in the people, what has caused the change? If in the government, why has not a remedy been applied for the disease? The Loyalists from the United States united with those of their countrymen who had previously settled there, in demanding a modification of the Quebec Act, and the establishment of a local legislature. The petition of these people gave rise to the Act of the 31st Geo. III. c. 31, commonly called the Constitution Act, to which two laws is to be attributed all the trouble experienced in governing Canada. In the fatal concessions to the French, contained in these Acts, is to be found the origin of that anti-British feeling which increased with every exercise of those powers, until it assumed the shape of concentrated hatred and open rebellion. By this latter Act, Canada was divided into two provinces, respectively called Upper and Lower Canada. To this latter country this celebrated

law gave a Constitution, consisting of a Governor and Executive Council of eleven members, appointed by the Crown; a Legislative Council, forming the second estate, appointed in like manner, consisting of fifteen members (but subsequently increased to forty), and a representative Assembly or House of Commons, composed of fifty members (afterwards increased to eighty-eight), each having powers as nearly analogous to those of King, Lords and Commons respectively, as the varied circumstances of the two countries and the dependence of the colony would admit of. The enacting power thus bestowed upon the colony, introduced from year to year another set of statutes, in addition to what they were subject to already, so that they soon had an union of French, English, and provincial law.

It is very difficult to conceive how the statesmen who sanctioned the substitution of this extraordinary code for that of England, could have imagined that it should ever be productive of anything but discord in a country inhabited by two races, differing as widely in origin as in language and religion. Any persons at all acquainted with the prejudices and passions

that operate on man will easily understand that the French, jealous of any innovation, were constantly suspicious of an intention to infringe upon their rights and introduce a system of jurisprudence with which they were unacquainted; and on the other hand, that the English, naturally an enterprising and commercial people, found the feudal tenure an intolerable burden, and spurned with indignation the idea of being subject to the government of a race whom they had conquered, and to the operation of laws which even the very nation with whom they originated had rejected, as unsuited to the exigencies of the times. In addition to the grievous error of establishing a code of laws that existed nowhere else, three others were committed of nearly equal magnitude: first, in dividing Canada into two provinces, and thus separating the French from the English majority; secondly, in permitting the language of the courts and the records of the Parliament to be French; and thirdly, in giving, at such an early period, and before the people were fitted to receive it, a constitutional government. Not content with these acts of folly and

injustice, the French were entrusted with an almost exclusive possession of the popular branch of the legislature, and were even constituted at the same time toll-keepers to the adjoining province. Both the ports of Quebec and Montreal were assigned to the French, and the inhabitants of Upper Canada were thus cut off from all communication with the mother country, but such as might be granted by the Americans or their Gallic neighbours. The experiment of constitutional government was never tried by a people less qualified for the task than the French Canadians. They were, without doubt, the most ignorant inhabitants of any portion of America. But few of them could read or write. They were even unacquainted with the common operations of husbandry, preferring the listless idleness engendered by a fertile soil, that yielded its productions without the aid of art, to the laborious occupations of the enterprising Anglo-Saxons. Accustomed to implicit obedience, they saved themselves the trouble of thinking, and yielded their judgment to their leaders, and their conscience to their priests. Yet to such a people was entrusted the power not only of

making laws, but of governing the English. The experience of all ages was against the experiment. "How can he get wisdom that holdeth the plough and that glorieth in the good; that driveth oxen, and is occupied in their labour; whose talk is of bullocks?" "They shall not be sought for in public counsels nor sit high in the congregation; they shall not sit in the judge's seat, nor understand the sentence of judgment; they cannot declare justice and judgment, and they shall not be found where parables are spoken."* The first Assembly met on the 17th of December, 1792; and as the representation had been most injudiciously based on the principle of population, thirty-five out of the fifty members of the House were French, and only fifteen English, a minority too large and respectable to be suffered to continue longer than to teach the majority the forms of business; and we accordingly find that, at a subsequent period, it was reduced to three.

The change from absolute to constitutional government was so great, that the French was for some time trammelled by Parliamentary

* Eccles. xxxviii, 24, &c.

forms, with which they were wholly unacquainted, and were not at first aware of the unlimited means of annoyance, if not of control, with which they were invested; and therefore we find them for some time proceeding with decorum and moderation. But there were not wanting those in the colony who were filled with alarm at the sight of the first Canadian Assembly, which, even with the largest minority ever known, contained a majority of more than twice as many Frenchmen as Englishmen, and possessed the power of increasing that majority at its pleasure. Even those whose faith in the operation of British institutions had led them to hold a different opinion as to the result, were compelled to acknowledge their error, when they found the House proceeding to choose a Speaker, who admitted his inability to express himself in English, and recording their acts in their own language. They perceived with grief that the natural tendency of these things was to give a complete ascendancy to people of foreign origin in the popular branch of the Legislature, and to encourage in the leaders at a future day that exclusive ambition that so soon distinguished them. They could not fail also to draw an

unfavourable contrast between this extraordinary concession, and the more provident conduct of the American Congress, which, while admitting the territory of Louisiana, inhabited by Frenchmen, as one of the States of the Confederation, enacted that all minutes of proceedings in the Court and Legislature of their sister State, should be exclusively recorded in the language of the constituency of the United States.

The leaders soon began to affect to perceive a latent danger in every act of the government; and a bill, requiring rectors, curates, and priests, to read certain laws after divine service, was denounced as opening a door for exercising an influence over the clergy, and an effort was made to introduce in their stead the captains of militia, which was only relinquished to avoid the awkward admission, that too many of those officers were deficient in the necessary qualification to perform that duty. Having felt their way cautiously for a time, they commenced a system of high-handed measures with every person who obstructed their views, and followed it up, by removing from the House all persons attached to the Executive, and impeaching others holding high official stations, in the hope that,

by representing the adherents of government as enemies to the country, the affections of the people would be gradually alienated from their rulers, and ultimately prepare them to join in those measures of forcible resistance, which now for the first time appear to have been contemplated. To bring the local government into contempt, it was necessary to impugn the integrity of the bench, and the impartial administration of the law, and they therefore impeached the judges. When the Governor, whose liberal patronage had hitherto shielded him from attack, declined to suspend these functionaries, till the result of their complaint should be known, and refused to make their punishment precede their trial, they resolved "that his Excellency, the Governor-in-Chief, by his answer to the address of the House, has violated the constitutional right and privileges thereof."

To personal persecution succeeded financial disputes, which extended over the whole period of the administrations of the Duke of Richmond, Lord Dalhousie, and Sir James Kempt, with more or less intensity, according to the supply of fresh fuel furnished by irritating matter of extraneous nature. Complaints soon

multiplied upon complaints; public meetings were held; violent speeches made; valiant resolutions passed; and finally delegates chosen to demand a redress of grievances from the Imperial Parliament. When these persons arrived in London, they found public opinion with them. It is the interest as well as the duty of the English to govern their colonies kindly and justly, and no man but a Frenchman would affirm that their inclination requires the incitement of either.

The Parliamentary Committee to whom their complaint was preferred was composed of persons by no means indisposed towards the petitioners, who, after a patient and laborious investigation of the subjects in dispute, made a report, which was acknowledged by the Assembly to be both an able and an impartial one, and quite satisfactory. It will be unnecessary to recapitulate the subjects referred to, or to transcribe the report, as both go too much into detail, but nothing can exhibit the kindness and liberality of Parliament more than the latter. The manner in which the report was received by the dominant party in Canada, the praise bestowed upon its authors, and the exultation

they expressed at their success, deceived the government as to the source of these noisy demonstrations of pleasure. They conceived it to be the natural impulse of generous minds towards those who had thus kindly listened to their solicitations, and liberally granted even more than they required. But they knew not their men. It was the shout of victory that they mistook for the plaudits of loyalty. It was not designed to greet the ears of benefactors with grateful acknowledgments, but to wound the feelings of their neighbours with the cheers of triumph. They devoted but little time to mutual congratulations. Sterner feelings had supplied the place of rejoicing. They set themselves busily at work to improve their advantage; and having established themselves in the outworks which were thus surrendered to them, they now turned their attention to storming the citadel. While government was engaged in carrying into execution the recommendations of the committee, with as much dispatch as the peculiar state of politics in Great Britain at that time permitted, the Assembly put themselves in a posture of complaint again. Fourteen resolutions were passed, embodying some of the old

and embracing some new grievances, and an agent appointed to advocate their claims.

While representations in the name of the whole population were thus sent to England, expressing only the sentiments of one portion of the people, the settlers of British origin were loud in their complaints that they were unrepresented, and that they had no constitutional means of being heard. But their remonstrances were disregarded, and the Assembly occupied itself with the consideration of their own grievances. That the motives actuating the dominant party might not be disclosed, and to prevent any member of the opposition from being present at their deliberations, they adopted the extraordinary mode of permitting a person moving for a committee to name all the individuals whom he desired to be appointed as members.

When the fourteen resolutions above referred to were passed, the Governor, Lord Aylmer, who had recently arrived, could not but feel astonished that the same people who had so lately expressed their delight and satisfaction at the report of the proceedings of Parliament, and who knew that the recommendations of the

committee were in a train of execution, should again be as clamorous as ever; and very prudently and properly entreated them to put an end to complaints, by bringing forward at once every grievance they had, that it might be met and redressed at the same time. The earnest manner in which this was pressed upon them, is worthy of notice. "Am I to understand," he said, "that the petition which I have heard, conveys all that the House of Assembly have to complain of up to this day? Or am I to understand that there is something behind—some unripe grievance or complaint, which it may be intended to bring forward hereafter, when those now produced shall have been disposed of? This is the information I ask of you. This, gentlemen, is the information which I will even implore you to afford me, in the name of the King our Sovereign, who is sincerity itself; and in the name of the brave and honest people of Canada, who are so well entitled to expect fair dealing in every quarter; and now if there be any stray complaint, any grievance, however inconsiderable in itself, which may have been overlooked when this petition was adopted by the House, I beseech you,

gentlemen, to take it back again, in order that the deficiency may be supplied; and that thus both king and people may be enabled, at one view, to see the whole extent of what you complain of, and what you require."

The time had now arrived, (1832), when every grievance, so far as the remedy lay with government, had been removed, according to the recommendation of the committee. Whatever required the co-operation of the Assembly themselves, remained untouched. They had asked what they did not require, and hoped would not be granted, so that the odium of refusal might serve as a pretext for further agitation. Several of the changes solicited would have weakened their influence, and they preferred to suffer things to remain as they were. There now existed no impediment to the public tranquillity; and if their intentions had been honest, we should have heard no more of Canadian discontent. Several men of character and standing in the colony, who had hitherto acted with the French faction, now separated themselves from them, declaring that they had obtained all, and even more than they had sought; and that they had now nothing further

to ask, but to enjoy in tranquillity the fruits of their labour. When they found there was no corresponding feeling in the breasts of their colleagues, and that these concessions were merely used as the groundwork of further changes, they became alarmed, and for the first time were made sensible of what the public had always known with unfeigned sorrow, that they had all along been the dupes of their own liberal notions, and the artifices of others. But what was the astonishment of Lord Aylmer, after their declining the unprecedented request to exhibit any further complaint if they had any, to find that in 1834, they were prepared to come forward with ninety-two resolutions of fresh grievances! This extraordinary step revived the hopes of every loyalist throughout the colonies. Surely, they said, this last ungrateful, unprovoked attempt, will open the eyes of the English nation to the ulterior views of the French.

This singular document is well worthy of perusal. The astonishing number of ninety-two resolutions was well calculated to delude strangers, and to induce them to think that the evils under which they laboured were almost

too many for enumeration. But it must not be supposed, that even Canadian exaggeration could find a grievance for each number. Some were simply declamatory, and others personal. Some complimented persons on the other side of the water, whose politics they thought resembled their own, and others expressed or implied a censure against those who were obnoxious to them, while not a few were mere repetitions of what had been previously said. Such a state paper, drawn up on such an occasion, by the most eminent men in the house for the perusal of the members of the Imperial Parliament, is of itself a proof how little fitted the Canadians were for constitutional government.

These resolutions, and the memorial accompanying them, were referred to a committee composed like the last, chiefly of liberal members, and containing several whose opinions were well known to be favourable to their cause, but after a careful hearing of all the delegates could say, the committee reported as follows:

"That the most earnest anxiety had existed on the part of the Home Government to carry into effect the suggestions of the committee of

1838; and that the endeavours of the government to that end had been unremitting, and guided by a desire, in all cases, to promote the interest of the colony; and that in several important particulars their endeavours had been completely successful."

Shortly afterwards the whole of the proceedings of the government since the year 1828 were detailed in a very lucid and able statement of Lord Aberdeen, in which he claims for himself and his colleagues the credit of a full and faithful compliance with the recommendations of the Canada committee, as far as the powers of the executive permitted them to do so. To this able state paper the reader is referred, if he desires to pursue the subject into detail.

The perusal of this important document naturally suggests two reflections, first that the faithful execution of the recommendations of the committee is much more entitled to our approbation than the report itself; secondly, that nothing short of independence would have satisfied the Canadian Assembly.

As the memorials addressed to government by the English and French parties, were at

variance in every material point, a commission of inquiry, of which Lord Gosford, the Governor, was head, was sent out to Canada in 1835. Whether the commission was necessary or not, it is not needful for me to say, but it is illustrative of the earnest desire that existed to compose these unfortunate difficulties, and ascertain on the spot, how much of concession could be made consistently with retaining the sovereignty of the country. The Commissioners were told: "You will ever bear in mind that you are sent on a mission of peace and conciliation. You will, therefore, proceed in a spirit not of distrust but of confidence; remembering that much of your success will depend, not only on the ability and fairness of your inquiries, but also on your perfect sepation from all local and party disputes, and on the unquestionable frankness and impartiality of your general conduct."

The Governor was told by Lord Glenelg, "your Lordship, therefore, proceeds to Canada to advocate no British interest and to secure no selfish ends. To maintain the peace and integrity of the empire, and to mediate between contending parties, by whom these blessings

have been endangered, is the high and honourable trust confided to you."

The arrival of this board put an end to all further prospect of grievance, and at once damped the hopes and awakened the anger of the disaffected. The very act of investigating the complaints which they themselves had preferred was made a subject of invective, and the commission was denounced as an insult to the Assembly, whose voice alone should be heard, and whose decision admitted not of question by the Government or the Council. Knowing that the instructions given to the Commissioners were of a most conciliatory nature, that every change that they had desired would be effected, and that by their own showing they would be compelled to be tranquil, they promptly changed their ground, abandoned their untenable local topics, and boldly attacked the Constitution.

The mask was now thrown off, and republicanism openly avowed as their object. That this development was prematurely hastened by the unexpected and immediate concession of their requests, and their object disclosed sooner than they expected, is evident.

"The people of this country are now preparing themselves for a future state of political existence," said Mr. Papineau, "which, he trusted, would be neither a monarchy nor an aristocracy. He hoped Providence had not in view for his country a feature so dark as that it should be the means of planting royalty in America, near a country so grand as the United States. He hoped, for the future, America would give republics to Europe." "Let them consider," says another of their party, "these words of a great writer, and they will no longer treat a revolution and a separation as a chimera. The greatest misfortune for man, politically," says he, "is to obey a foreign power; no humiliation, no torment of the heart is equal to this. The subjected nation, at least, if she be not protected by some extraordinary law, ought not to obey their Sovereign! We repeat it, an immediate separation from England is the only means of preserving our nationality. Some time since, when emigration shall have made our *enemies* our equals in number, more daring and less generous, they will deprive us of our liberties, and we shall have the same fate as our countrymen, the Acadians. Believe me, this

is the fate reserved for us, if we do not make ourselves independent." Although they considered every institution and usage of their own so sacred as to admit of no change, they viewed those of the English in a very different light. The conceding and respectful conduct of government formed an amusing contrast with their audacious insolence. To mark their contempt for regal rights, they passed an act to make notice of action, served on the Attorney-General, for damages against the Crown, legal and binding. If the suit went against the Crown, it was provided that execution might issue against the Governor and his furniture, or the guns of the fortress.

Things were now rapidly drawing to a crisis. The Legislature was assembled by the new Governor, and addressed by him in a long and conciliatory speech, in which the evils of internal dissensions were pointedly and feelingly alluded to, and concessions made sufficiently numerous to have gratified the vanity and appeased the irritation of any other people than those to whom it was addressed.

They were then called upon, in the usual manner, to provide for the support of the

judges and officers of Government, the public chest containing at the time £130,000 sterling.

The House had no sooner retired from hearing this address, than their Speaker adopted his usual mode of inflaming his party by the most violent invectives against all the authorities, both at home and in the colony, charging the one with deceit and hypocrisy in their words, and the other with oppression and peculation in their deeds. In a short time he brought matters to the conclusion he had so long desired.

The House voted an address to his Majesty, in which they announced that they had determined to refuse any future provision for the wants of the local administration, in order the better to insist upon the changes which they required from the imperial authorities. Their utmost concession (and they desired it might not be taken for a precedent) was to offer a supply for six months, that time being allowed to his Majesty's Government and the British Parliament to decide upon the fundamental alterations of the Constitution, and other important measures included in the demands of the Assembly.

In this bill of supply, which was for six months only, and merely passed for the purpose of throwing the odium of rejection on the other branch of the Legislature, they excluded the salaries of the councillors; of their assistant clerk, one of the judges, some usual incidental charges of the Civil Secretary's office, besides other important salaries; and, as they hoped, it was not concurred in. This was the first time they had left their executive without the means of conducting the government, for the sole and avowed purpose of procuring changes in the Constitution, although the result had been arrived at by other means on different occasions. Of the confusion and distress which this repeated refusal of the Assembly to co-operate with the other branches of the Legislature, produced in the province, it is difficult to convey any adequate idea.

At length, four years had elapsed since there had been any appropriation of provincial funds to the use of government. The distress and embarassment which this state of circumstances inflicted on the functionaries of the province, whose private resources are generally very limited, were as humiliating as they were un-

merited. Many were living on money borrowed at an exorbitant interest; some could not but be reduced to the verge of ruin; and, to show that this suffering of individuals was not unattended with danger to the general welfare, it may be enough to remark, without painfully dwelling on private circumstances, that the judges of the country were amongst those who were left to provide for their subsistence as best they might, after three years' stoppage of their official incomes.

No complaint was made against the existing administration, nor was it asserted that any demerit in the parties caused them to be deprived of their lawful remuneration. No local cause of quarrel was alleged, of which the settlement might be indispensable before the public business could be proceeded with; on the contrary, it was stated openly, and without disguise, that changes of a political nature were the end in view, and that until certain acts should be done, competent to no other authority than the Imperial Parliament, and comprising organic changes in the Constitution, by virtue of which the Assembly itself existed, the House would never make another pecuniary grant to the

Government. Thus the public servants, no parties to the contest, were afflicted merely as instruments, through whose sufferings to extort concessions totally independent of their will to grant or to refuse.

Such, however, were the means through which they hoped to effect their object; and they further declared, that they would pay no arrears, or vote any civil list, until their demands should be complied with. Here the Government also made a stand, and very properly said, "We shall concede no further. Your demands involve a surrender of the colony to one party within it; and we are not justified in granting them consistently with the duty we owe to the crown, to the public, or to colonists of British origin." Every governor had lately shown a desire to win the honour of pacifying Canada; had receded and conceded; offered conciliation and endured affronts; borne and forborne, in a manner that it is quite humiliating to contemplate. Each succeeding one had used his influence in the legislative council to aid in the execution of instructions which, although they are justly entitled to the merit of kind intentions,

have not so much claim on our admiration, on the score of their merit or their dignity.

As the Assembly had separated with a declaration that they would never vote a civil list until all their requests were granted, it was necessary for Parliament to interfere; and Lord John Russell proposed and carried six resolutions, the most important of which was the following:

"5thly. That for defraying the arrears due, on account of the established and customary charges of the administration of justice, and of the civil government of the province, it is expedient that, after applying for that purpose, such balance as should, on the 10th day of April last, be in the hands of the Receiver-General, arising from the hereditary, territorial, and casual revenues of the Crown, the Governor of the province be empowered to issue, out of any other monies in the hands of the Receiver-General, such further sums as shall be necessary to effect the payment of such arrears and charges up to the 10th of April last."

Whether the spirit of concession had not been heretofore carried too far, and whether the

public affairs of Canada ought to have been suffered (even for the amiable and praiseworthy object of endeavouring to satisfy, if possible, the dominant party in the House) to have arrived at this crisis, are questions upon which I have no desire upon this occasion to enter.

But that these resolutions were indispensable, that they were not resorted to until they were necessary, and that Parliament was justified in the exercise of its supreme authority, no unprejudiced and right-thinking man can doubt. A colony is a dependent country, while Great Britain is a supreme metropolitan state. The controlling power must obviously be greater than the power controlled. The jurisdiction, therefore, of a colony being limited, if it pass those limits, it is no longer subordinate, but independent. It is not only the right, but the duty of Parliament, to restrain within their constitutional limits local legislatures, in the same manner as it is the right of colonists to exercise those powers, and their duty not to attempt to exceed them. Mr. Papineau had observed, " the Constitution has ceased to exist of right, and, in fact, can no longer be maintained but by force." Here then was a clear case for the

legislative interference of Parliament. To such an interposition no reflecting colonist will ever object, else there would be no appeal but the sword, whenever a designing demagogue should unfortunately obtain a majority of obstructive members in the Assembly. Yet these resolutions were said to be a violation of the declaratory Act of 1778, and an unconstitutional mode of levying taxes on the Canadians, and appropriating their money without their consent.

But although the right of Parliament to interfere, and its intention to do so, were thus asserted, there was still so strong a repugnance felt by Government to exercise the power, that they desired Lord Gosford to call together the Assembly again, and give those misguided men another opportunity of reconsidering their conduct. They met, as summoned, but again refused all supplies, which had now been withheld for five years, and declined to exercise any legislative function. There was now no power to make new laws, no means of paying those who administered the existing ones, no appropriation for the public service in any department. Schools were neglected, roads unrepaired, bridges dilapidated, jails unprovided

for, temporary laws expired, and expiring, and confusion and disorganization everywhere.

Disaffection having now succeeded in producing anarchy, assumed the shape of insurrection, the natural result of so many years of agitation. The tragical events of this sad revolt are too recent and too impressive to be forgotten, and the recital would be as painful as it is unnecessary.

Before I leave this subject of the rebellion, however, I must allude to the mitigating circumstances that attended it. Excited by every stimulant that Parliamentary declamation could apply, or British sympathy suggest, or American republicanism offer, encouraged at home, aided from abroad, and nowhere opposed or controlled, is it to be wondered at, that the prospect of plunder and impunity seduced these deluded people from their allegiance, or that the contagion should spread from Lower to Upper Canada? When such a man as Hume, known to be a supporter of the government, said to McKenzie, "Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will

terminate in freedom and independence from the *baneful domination* of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. . . . . The proceedings between 1772 and 1782 in America, ought not to be forgotten, and to the honour of the Americans, and for the interest of the civilized world, let their conduct and its result be ever in view;" and again, "one resource, and one resource alone, remains: to be a free people, you must resist the British Government;" to whom does the greater share of guilt attach, to the seducer or the victim?

This rebellion had scarcely been put down, when Lord Durham was appointed with extraordinary powers to complete the pacification.

On this part of the history of Canada it is needless to dwell. It has proved a failure, not from a deficiency of power, but from want of conduct, in the dictator. Instead of assembling around him a council of the most influential and best informed men in the colony, according to the evident spirit of the act, and his instructions, he thought proper to appoint to that responsible situation officers attached to his household, or perfect strangers, with the

magnanimous view, as he said, of assuming the whole responsibility of his own measures. But alas! that which is a mere mistake in a statesman, is often an irretrievable misfortune to a whole people.

I have now shown that after the conquest of Canada, it was governed by English laws; that the royal proclamation invited British subjects to remove there; and promised them the protection and enjoyment of those laws; but that in violation of that promise, in order to conciliate the French, their legal code was substituted in their place; while an injudicious division of the province was made, in consequence of which it became a Gallic and not a British colony. We have seen that by these means, and by permitting the recording language of their parliament to be French, they were kept a distinct people, and that they always had an overwhelming majority of members of their own origin in the legislature, who were distinguished by an anti-commercial and anti-British feeling, which had been gradually growing with the growth of the country until they were in a condition to dictate terms to Government. If this part of the review could

be followed into detail, it would be found that this feeling was manifested by the manner in which they have constantly resisted local assesments, and made commerce bear every provincial expenditure—in the way they neutralized the electoral privileges of the voters of British origin—in the continuance of the oppressive tenure of the feudal law—in taxing emigrants from the mother country, and them only—in their attempts to wrest the crown-land from Government—in their attack on the Canada company, and the introduction of settlers by them—in their opposition to a system of registry—in their mode of temporary legislation—in their refusal to vote supplies, and in the whole tenor of their debates and votes. It will be also found that the policy of every government, whether Tory or Whig, was conciliatory, and every reasonable change required (with many very unreasonable ones) was conceded to them; and strange as it may appear, it is nevertheless an undeniable fact, that the only party who had reason to complain, were the injured and traduced loyalists.

Lord Durham introduced into Canada what is called "responsible government." It is not

probable that he had any very definite idea of the meaning of that term himself, for he subsequently disavowed the interpretation put upon it by the Canadian politicians. His object, however, seems to have been to leave the management, as far as possible, to themselves, by abandoning the Royal prerogative, and loosing the bonds of parliamentary control. He assented to their governing by a majority, which should furnish a Ministry similar to that in England, but the Act of Reunion of the provinces was so contracted, that the old Liberals, or democratic party, still continued in the ascendant. So far from acquiring reputation as a statesman for what he had done, he has been justly censured for doing nothing, or, what was worse, for assenting to demands that were inadmissible. It was not an evidence of skill, but an act of despair. From conduct it is not difficult to infer motives. If he had given utterance to his thoughts, he would probably thus have expressed himself: "You do not seem to be satisfied with English domination, which you have been instructed by a member of the Imperial Parliament to consider baneful; now govern yourselves, if it will gratify you to

imitate independent states. You shall have responsible government, a little administration of your own, and you may render yourselves as absurd as you please, by assuming in your youth the armour of manhood, which if too large and disproportioned for you now, will, if it does not wear out, fit you better hereafter, when your limbs shall have attained their full proportion." Nothing could better suit the views of the democrats than this; but it filled the sober-minded and reflecting part of the community, that portion that embraces the learning, property, and loyalty of the country, with alarm. They saw in this hasty and petulant concession, that no one security had been devised for the protection of a minority. But the will of the dictator became law, and like good subjects they submitted to it, and endeavoured to accommodate themselves to the experiment with the best grace they could assume.

The common operation of altering a dwelling-house requires great care; every change begets another, as new difficulties are constantly arising in its progress, which were either not foreseen, or not sufficiently provided against; and at last it

is not unfrequently found that it would have been better not to have undertaken the enlargement at all, or to have pulled down the edifice and reconstructed it. Something very similar has occurred in the political edifice of the colonial constitution of Canada. The predictions of practical men have been singularly verified, and the following glaring faults are now distinctly visible: 1st. The Governor has been rendered powerless. He is stript of all his patronage, which has been transferred to the leader of the Assembly, who, from the almost universal suffrage that exists in the country, is in his turn the mere mouthpiece of the democracy. The veto of the Queen's representative, as a constitutional branch of the legislature, is in like manner a mere nominal right, existing in theory alone, but having no practical operation. To dissolve a House, where there is a dominant party in the country, would be to surround himself with a similar but more violent council, and make his dependence more palpable and more humiliating. If he assents to measures of a beneficial nature, the credit is given to those who prepare and carry them; if to obnoxious ones, he is held responsible; for

people are ever unreasonable, and expect the exercise of a power that no longer exists.*

The last Governor, in the proper sense of the word, was the late lamented Lord Metcalf. He struggled hard to maintain his rights, and uphold the weight and authority that ought to pertain to his station, and exhibited qualities of no ordinary nature in the unequal contest. It was not his fault that the post assigned to him to defend was commanded by heights in possession of demagogues. He did all that skill, courage, and perseverance could do, and having made a gallant defence, effected an honourable retreat from the country. The task of his successors, if not so creditable, is at least more safe. Nothing is now expected from the Queen's representative but to keep a good table, and affix his name to such documents as are prepared for his signature. The first of these duties is unnecessary, and as regards the last,

* This was lately exemplified in the case of Lord Elgin, who was assailed by a mob for assenting to a bill for indemnifying traitors for their losses, when in fact he was merely obeying his masters, the little Canadian cabinet.

an official stamp (V. R.) would answer the purpose as effectually, and make a saving that would gladden the hearts of the polished financiers, manufactured at Manchester and Birmingham.

2ndly. The Council, or Upper House, is destroyed. This body was formerly filled upon the recommendation of the Governor, by the Crown; the selection was made from the most intelligent, influential, and opulent people in the province, and was as nearly analogous to the House of Lords as the different circumstances of the country would permit. The only valid objection ever made to its composition was, that in general too many heads of departments were assembled in it; an evil of no very great magnitude in itself, but one that was susceptible of an easy remedy. It was an independent, and by far the most respectable legislative branch. It was a valuable safe-guard to the Crown, and a great protection to a minority when assailed by a thoughtless or unprincipled majority. It was a monarchical institution; and from its character and station, nurtured a class of public men, ambitious of the honour of

a seat at its board, whose very virtues disqualified them from having the suffrage of a population that brooked no superior. The right of selection also gave great weight and influence to a Governor. It formed an admirable balance of power, by maintaining and defending the rights of property, the permanency of chartered institutions, and the inviolability of public faith. Vacancies are still nominally filled from England at the recommendation of the Governor; but, alas! with this *material change,—at the bidding of his minister.* It was deemed necessary to use the specious but deceptive language of the day, to make it harmonise with the Lower House, which meant to strip it of all independent action, and make it echo the orders of its masters. It is now a mere duplicate of the Assembly. Weight, character, and intelligence are not requisite; obedience is the one thing needful. The Governor and the Council exist but in name; but in proportion as the Assembly has absorbed their power and authority, has its strength increased, until it is irresistible.

The statesmen of the American Revolution, who were republicans and not democrats, had

both the virtue and the good sense to sacrifice or restrain their personal ambition for the good of their common country. "All the powers of government," says Mr. Jefferson, "legislative, executive, and judiciary,' result to the legislative body. The concentration of definition of a despotic government. It will be these in the same hands is precisely the no alleviation, that these powers will be exercised by a plurality of hands, and not by a single one. One hundred and seventy-three despots would surely be as oppressive as one.' Let those who doubt it turn their eyes to the republic of Venice. An elective despotism is not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits without being effectually checked and restrained by the others."

3rd. In former times the laws passed by the local legislature were always submitted to a searching examination in England, before they received the Royal sanction; and such

was the reliance of the public upon the ability, industry and fidelity of those persons, to whom this task was committed, that their decision was almost always satisfactory. Indeed, the honour and good faith of England was an axiom that lay at the foundation of every argument. Its wisdom or its prudence might be questioned, its integrity never. However strong local prejudice might be, or however the judgment of the legislature, or the ability of the provincial courts might be doubted, every right-minded person considered this surveillance as his greatest security. England was regarded as the fountain of justice, as it had ever been of considerate kindness and unbounded liberality. It was in truth and in fact a paternal authority, postponing or sacrificing its own convenience and undoubted rights, to the wishes, the feelings, and the happiness of her children. The ingratitude or insolence that questioned this notorious benevolence, is only equalled by the utter want of principle in the London revolutionary press, that gave currency to the accusation; and the credulity or wickedness of the Radical leaders, who affected to believe it, to damage the Tories, who, whatever may have

been their defects, were a true-hearted British party. They may have been profuse of the public money, but they lived in the days of extravagance; they may have been obstinate, for principle is worthy of a stout defence, and they may, like their successors, have conferred honours on their own countrymen, in utter forgetfulness of colonists; but they were Englishmen, and had no greater share of national vanity than is common in the people of Great Britain. But whatever they were, they were honest. They preferred experience to experiment, and were not willing to peril their country or barter their rights for popularity. This surveillance is now merely nominal; the form is preserved, but the substance is gone for ever. When an appeal is made, the answer is uniform: "You have responsible government, we cannot interfere. It is a local matter; you must settle it yourselves."

This great constitutional check, therefore, is gone. The guarantee of England, that no local injustice shall be done no longer exists, and Canada is ruled by the Assembly. The Governor there is not a person but a name, having as little meaning, force, or power as his

title of "Excellency." The Upper House is a section of the Lower, from whence it derives its being, and to which it owes obedience. If this be not voluntarily given, it can be coerced into submission. The restraint imposed by the kind, wise, and paternal superintendence of England is withdrawn; and instead of a colonial government belonging to a monarchy, based on principles of internal freedom and external dependence, there is an unchecked and unmitigated democracy, that could not fail to excite the admiration of a Chartist or a hero of the barricades. That such a state of things was never contemplated by those who introduced responsible government, it is but common justice to them to suppose, but the navigation of an unknown sea is always attended with danger, and the ship of State is now environed on every side with sunken rocks, that are but ill concealed from view, even in the calmer weather. The self-elected reformers of the trading towns of England and Scotland, with that spirit of speculation that peculiarly belongs to the owners of vessels, are loud in their demands to abandon her for a total loss, but honest men must lighten her of her load of

democracy, repair her, and having once more got her into deep water, navigate her with cautious vigilence.

It is clear that one of two things must be done; either the former checks, so incautiously removed, must be at once restored, or further concessions made to invest the different branches of the Legislature with independent action. Either too much has been done or too little. To retrace one's steps is humiliating as well as difficult. The pride of man revolts at an acknowledgement of error or ignorance; and power, when once parted with, is not easily recovered. Progression is safer, and more agreeable. To give due weight and influence to the Upper House, its members must not receive their appointment from a political leader, but directly from the Crown or from the people. If it must be from the latter, then since they are to represent the upper class of society in the province, let that class select them. Make the property-qualification of the elector so considerable, as to ensure the exercise of discretion and judgment in the electors; and to impart character, stability, and authority to the members, let the property-qualification of the candidate be still higher than

that of the voter, and let the term of service be not less than ten years at least. Restore to the Queen's representative some of his authority, and assign to him some duties to perform; and suffer him to be in reality, what he now nominally is, the Governor. Such an arrangement would elevate the whole character of the Legislature, and acquire for it the respect and obedience of the whole people; thus each branch of the provincial Parliament would be independent in its action.

There is, in every country where constitutional government prevails, and ever will be, a minority more or less numerous and powerful, according to circumstances. This body, whether liberal or conservative, English or French, Protestant or Romanist, is entitled, in common justice, to protection. At present they are at the mercy of an adverse political opponent, and they have no means of redress. If they appeal to England, the reply is, you have responsible government. If to the Queen's representative, he shrugs his shoulders, and says: "What can I do?" If to the council, they are informed that they entirely concur with the ministry, who have a large majority in their body. Cut off from all redress,

and baffled in all their attempts to obtain a hearing, if in the bitterness of their hearts, when they reflect that their forefathers left their homes and their fortunes to follow the flag of their King into a foreign land, and that they themselves have perilled their lives and properties in suppressing rebellions in the country of their adoption, without even the thanks of Parliament, when honours and rewards were bestowed on the military for merely doing their duty; if, when goaded into excitement by what they conceive unmerited injury, they talk of annexation and independence, they are told that their language and conduct is treasonable, and are forthwith ejected from their command in the militia, and from the commission of the peace. I am not their advocate, nor do I even assert that their complaints are well or ill founded; it is sufficient that they complain, and abundant security can, and ought to be given them, that they shall have all the weight to which they are entitled. One remedy, the most efficient and the best, lies in a total transfer of patronage to other hands, which, while it cannot fail to satisfy them, will be an infinite improvement in colonial government, and ensure to the community a far

better and more respectable class of public officers.

No man whatever ought to be entrusted with the disposal of all the offices in a colony. It is too great a power, too liable to abuse, and never was, and never can be so exercised as to avoid the imputation of partiality or corrupt motives. If it must be committed to any one, it can nowhere be so safely lodged as in the hands of a governor, responsible to the crown. He is generally a man of rank and honour, and always unembarrassed by family connections, personal feelings, or local prejudices. He can have but one object in view, which, if not founded on the higher principles of duty, is well secured by a regard for his own character and the success of his administration, and that object is a faithful and honest discharge of the trust reposed in him. But even he may be biassed by those by whom he is surrounded, who have more facilities of access to him than others; and the purer-minded a man is himself, the more difficult is it for him even to suppose the possibility of deception being practised upon him. But in a country like Canada, whose political leaders are the mere emanations of democracy, it is impossible to

select so unfit a depository of power as the Premier. He will inevitably use it to pay for past or purchase future services; he has personal friendship to gratify, or private insult to avenge. The exigencies of party will preponderate over the claims of justice, and the character of the public servants must in time be greatly deteriorated. To remedy this evil, to protect the minority, to secure the people from peculations and the court from pollution, it will be necessary to re-invest the Governor with the patronage, *subject to the approbation of the Upper House*, and place it under similar guards and restraints (by requiring the consent and concurrence of the Council to his nomination to certain offices) as are imposed upon the President of the United States by the admirable institutions of that country, which are so simple in their operation, and yet so safe, from the numerous checks and balances they contain. That this system of self-government could be so modified as to work advantageously, there can be no doubt, but real substantial responsibility must be both devised and increased. One thing, however, is certain—this change can only be effected by Parliament. The Canadian politicians have tasted the sweets

of despotism, and they will not limit or diminish their own power. But here I must pause, and adopting the advice given by Horace* to a friend similarly employed, bring this sketch to a conclusion.

"Principum amicitias, et arma
Nondum expiatis unita cruoribus
Periculosum plenum opus aleæ,
Tractas, et incedis per ignes
Suppositos cineri doloso."*

* Odes, vol. II. i.

CHAPTER VII.

APPLICATION OF THE FACTS CONTAINED IN THIS WORK.

Value of the preceding history to Members of Parliament and the Republican party in Europe—The question considered whether a Republican Government, like that of America, can exist in England or France: Firstly. With reference to the history of the first attempt at colonization, and herein of the condition of America at the time—The people who made the experiment of settling at Massachusetts——Their peculiarities—No pre-existing monarchy, hierarchy, or nobility to contend with—Settlers not a military people—No mobs—Monarchy the oldest and most natural form of government in the world—Laws passed to regulate the price of labour—Massachusetts was a federative body in miniature. Secondly. With reference to the period of the adoption of the federal constitution, and herein of general predisposition to rebellion—Immediate cause

of revolution—The large republic possesses all the features of the first: 1st. The same vast territory; 2nd. People of one common origin and language; 3rd. No pre-existing monarchical institutions; 4th. No powerful neighbours; 5th. No poor; 6th. Important additions or changes; 7th. Universal toleration, in consequence of which there is danger of Romish ascendancy — Growth of sectarianism and infinite dissent—American Episcopalian Church, its character, conduct, and growth — Republicanism favourable to spread of Popery—The error of the Jesuits in judging of it—State of Popery in purely Roman Catholic countries, and where Protestantism prevails — Permanent provision for President and Judges—High character of the Supreme Court of the United States—American mode of selecting judges recommended for colonies—Difference in power of English and American judges. Thirdly. Reasons why a republic cannot be successful in England—Effects of monarchy on society. Fourthly. Reasons why it cannot exist in France—Effect of first revolution in France—Restoration — Return of nobles, clergy, and gentry—Actions of Bonaparte — Final expulsion of the Bourbons—Louis Phillipe's conduct —Abdication—"La petite Eglise"—Puritanism and infidelity compared—They produce similar effects—Romanism in France and in the United States compared — Extraordinary influence possessed by the Popish clergy — Poverty of agricultural classes in France—Proper size of farms—Superiority of two Legislative Chambers over a single Assembly —

Downward tendency of democracy in France—Difference between Anglo-Saxon and Gallican races illustrated by California—Americans could not retain their institutions if France were evacuated for them, nor could the French, if possessed of America and its institutions, work the machinery or govern it successfully—Only sure basis of any government.

THE foregoing chapters contain a mass of facts most useful for those who have a voice in the government of the colonies of Great Britain. They portray the history, condition, and fate of provinces planted by disaffected emigrants, in which the Church was unable, or neglected, to extend her beneficial influence, and where the State left republicanism to grow up to maturity, and bear the natural fruit of rebellion. At the same time, they show the condition and prospects of Canada, settled by Loyalists, distinguished alike for their intelligence and devoted attachment to the Crown, whose affections an unwise concession, hasty and inconsiderate legislation, and a fatal indulgence and patronage bestowed upon democracy, have alienated, without conciliating those whom they were intended to win. They exhibit also the spectacle of an abortive attempt at self-government, in which

too much of the monarchical character of the constitution has been destroyed, and too little republicanism introduced into its place to satisfy either party; and consequently annexation, or independence, are canvassed or advocated with the same shameless insolence with which a less intelligent, but equally restless, faction in Dublin was permitted to disseminate treason, under the specious pretext of a repeal of the Union.

To the democratic party in Great Britain and France, they furnish data by which they can test the accuracy of their theory, that that which has succeeded in the United States is equally applicable to them, and would be productive, on trial, of the same beneficial results. I do not propose to discuss at any length, the practicability of their adapting the American constitution to their condition. My object is to collect and arrange the facts, upon which it may be argued by those more immediately interested in it, who from living on the spot where they propose to try the experiment, and being conversant with what is passing before their eyes, are more competent for the task than I can be. An author of great and deserved celebrity says* no

* De Tocqueville.

American should ever speak of Europe, for he no sooner opens his mouth on the subject, than he betrays his ignorance and presumption. Whether there may not be some little arrogance in the remark, I shall not stop to inquire; but that he cannot possibly know as much of Great Britain as an Englishman, or of France as a Frenchman, will be readily conceded. Europeans, on the other hand, have a wider grasp of intellect, infinitely more penetration, and a spirit of patient research, and laborious investigation, that enable them both to speak and write about America with greater ease and less diffidence than the natives. Unable to retain their own transatlantic possessions, or preserve their respective countries from revolutions, they can nevertheless easily detect the errors of the Americans, and are somewhat alarmed for the fate of a people who are ignorant enough to protect their agriculture and manufactures, and are sufficiently selfish to prefer a commercial system, under which they have grown and flourished, to perilling their prosperity by rash innovations, alike opposed to reason and experience. Great Britain has endeavoured to instruct them, that a home market is in no way

distinguishable from any other, and to prove the sincerity of her conviction, has abandoned to them that of which she had so long the monopoly in her colonies; but they have accepted the proffered boon, and at the same time very quietly retained their own. It is no wonder, therefore, that they are very complacently informed, that they are incompetent to express an opinion upon European subjects. Submitting to authority, I shall not go largely into theories, but rather I shall recapitulate a few facts that lie dispersed through this work, or which I may not have sufficiently detailed, that are very important elements in the consideration of the question, whether such a republic as that of America, or anything at all resembling it, can exist either in England or in France.

The subject must be considered with reference to two distant and distinct periods of time: 1st. The early stages of colonization in 1620; 2nd. The state of things existing at the adoption of the federal constitution in 1789.

First. The early stages of colonization.

Under this head we must advert to the condition of the country when a settlement was formed in it, and the character of the people by

whom it was attempted. When Massachusetts was first colonized, North America was, with some few insignificant exceptions, a vast unbroken forest, extending from the shores of the Atlantic to the Pacific Ocean. This immense heritage was divided among wandering tribes of Indians, who lived by the chase or the fisheries, and bartered away, to the emigrants, their freehold for glass beads, worthless trinkets, or intoxicating liquors. The world of wood and water was more than sufficient for both races, and as each successive wave of population advanced, the aborigines receded, preferring the listless repose, or exciting sports of savage life, to the unceasing toil and daily cares of husbandry. The encroachments of the white man were slow, and almost imperceptible. The sound of the woodman's axe, and the fires with which he destroyed the trunks of the trees he had felled, alarmed the animals of the forest, and as they retired, they were followed by the red man. But neither the Indian warrior, nor the English settler, ever dreamed that this gradual but incessant rising of the flood of emigration would soon cover the whole land, and that entire

nations of the former would shortly cease to exist, but in history. Such was the country that the Puritans selected for their republican experiment. Who these fanatics were we have seen; what they were, has not been so fully expressed. They were mostly people from the middle class of society, men of good family, considerable means, and liberal education. They left England at a time when the rights of men were clearly defined, and stoutly defended, when the law of the land was well matured, and impartially administered, and when the extent of prerogative alone required to be limited and restrained by reasonable and constitutional grounds. They had more breeding than the Presbyterians, more knowledge than the Baptists, and more judgment than the Independents. To these qualities they added craftiness, a quality rarely found connected with a sound understanding; but their constrained conformity to the usages of the Church, had taught them duplicity, and deceit always superinduces cunning. By the exercise of this low art, they concealed their numerical weakness from the savages, whom they soon circumvented, and

heir ambitious schemes of independence from the English, who were easily duped by loyal and affectionate professions. Bold, hardy, enterprising and intelligent, they were able to grapple with the difficulties of their situation, while their enthusiasm gave them a unity of action, a fixity of purpose, and a spirit of endurance, that rendered their ultimate success inevitable.

2nd. They had nothing to destroy or remove, when they laid the foundations of their empire. There was neither royalty nor prelacy to exterminate. They were guiltless of the blood of Charles and Laud. The merciless and wicked task of putting them to death was left to their brethren in England. The coolness with which these atrocious murders were committed, and the solemn mockery of a trial, conceded to the martyrs after their fate had been predetermined by their judges, show that fanaticism hardens the heart, which it is the object of religion to soften and ameliorate. Not only was there no primate in the land of their adoption, but there were no bishops, and no Established Church. There were no nobles to defend their lives, their order, and their estates. No endowments to confiscate, no

colleges to raze to the ground, as heretical or papistical seminaries. No altars to plunder, and no malignants to prescribe or banish. But above all, there were no dangerous partizans of these ancient orders or establishments, to foment discord and intrigue among the people. They had the whole field to themselves. There was neither whig nor tory there, democrat nor loco-foco, free-trader nor protectionist. They were all republicans in politics, and congregationalists in religion. They were united in all things. If any man differed in opinion from them, the aid of a divine was sought for, who, selecting the most appropriate text he could find, excited at once the astonishment of the offender at his powerful gifts, and repentance for his refractory spirit. If this resource failed, and the culprit still resisted, he was fined, or whipped, or banished, or underwent all three punishments according to his delinquency; so early did the tyranny of a majority, inevitable consequence of republicanism, exhibit itself.

3rd. They were not a military people. Although they acquired in their defensive wars, with the Indians and French, great skill and

courage, and a discipline and obedience to orders rarely found in fresh levies, they cultivated the arts of peace, and deprecated the necessity that compelled them to take up the sword. It is true there was but little scope or inducement for martial exploits. The savages had neither flocks nor herds, nor cities, nor fertile meadows to tempt the avarice or reward the toils of the soldier. His bow and his arrows, with which he supported and defended himself, constituted his sole possessions. The French, in Canada, were separated from them by impassable rivers or lakes, and a trackless and immeasurable forest. The Dutch settlements, on the Hudson, were too feeble to excite their apprehension, and too poor to suggest the idea of plunder. The rest of the continent was peopled by their own countrymen; there is, however, no reason to suppose if they had had neighbours of a more formidable or more wealthy character, that they would have harboured the unworthy design of invading their territory, to enrich themselves at their expense. Theirs was a flight into the desert, to avoid pursuit. They chose Massachusetts, not because it was fertile, but because it afforded an asylum, fortified by

three thousand miles of ocean on one side, and an interminable forest on the other. Whatever resemblance they bore to the saints, whose title they very modestly appropriated to themselves, though they refused it to the Apostles, it is certain the land of their adoption furnished a very inadequate idea of a terrestrial paradise.

4th. Having brought with them from England, the frame-work of a constitution, with which they were familiarly acquainted, they adopted, not only without opposition, but by general consent, several organic alterations, which, though they materially changed its character, no way impeded its practical operation. The chief magistrate, who in their own country was called a King, they denominated "a Governor;" and instead of an hereditary succession in one family, they made the office elective, and the tenure annual. In other respects, their respective duties and obligations were very similar. The upper branch of the legislature was constituted upon the same democratic principles as the lower, and invested with powers analogous to those pertaining to the House of Lords. They relinquished the Church of England, and established Congregationalism in its place. They

fled from their native land, and emigrated to America, because they abhorred persecution; and then, by one of those signal acts of inconsistency to which human nature is unhappily so subject, they commenced compelling all others to conform to their views. It was an error, however, that soon worked its own cure, as we have already seen

This little republic with a state church, was the first attempt at self-government on this continent. No men were better qualified to try the experiment than themselves. They had the knowledge, the prudence, the perseverance, and the unity that was requisite; and for half a century success attended them, until the strong arm of imperial power interfered, and compelled obedience to royal authority. But they knew full well that their favourite form of government required a succession of similar people, with equal powers of discrimination, and imbued with the same principles. They, therefore, as I have already related, erected their republic on the only sure basis on which it ever can exist,—general education; for equality of rank, political rights, and the infusion of the elective principle into every institution, are of themselves not

sufficient to preserve vitality for any length of time. They recognised the voice of the people as the only true source of power. Their first, their constant, and sole aim was to make the population understand and value their privileges, and render themselves worthy of the high vocation to which they were called. In other countries the task is almost impracticable; in Massachusetts it was comparatively easy. There was no ignorant and turbulent mob to deal with; no hopeless and squalid poverty to relieve and enlighten; no "iron king" to speculate on their toils; no "cotton princes" to agitate and influence the masses, by deluding them with the promise of cheap bread, while they were defrauding them of their wages, and plunging them into deeper distress; and no "factory financiers" to preach exemption from taxes, by the easy and honest process of repudiating the National Debt. But above all, there were no noble radicals to barter their order and their country for popularity, and, like old "Egalité," sacrifice every principle in the vain hope that they might eventually escape from the beasts of prey whom they had fed and excited. Every man was, or could be if he desired, a freeholder,

not by ejecting the possessor, but by subduing the soil; not by fraud or confiscation, but by a grant willingly bestowed; because he who added an acre of arable land to the general stock, contributed to the means and support of the community. It was a rural population, who purchased no land, paid no rent, and owned no superiors but those whom they themselves elected to represent their local claims on the state, for purposes to which their individual means were inadequate, or to assist in framing laws which they themselves were to obey. A people, so situated, are naturally moral. Even in poor countries, like Massachusetts, the virgin soil produces sufficient for the support of a family, and a surplus for hospitality, as well as a suitable provision for those who leave the parental roof.

Industry and frugality were the characteristics of the people. Their wants were few; food, raiment, and shelter alone were indispensable. Common diligence easily supplied these. Luxuries were unknown; but comforts and abundance were within the reach of all who had health, strength, and inclination to labour. They were all equal by nature; the constitution

of the country made them so legally; and the education provided by the state rendered them so practically.* The only observable inequality among them was such as is inseparable from our condition. As in life some men are taller or stronger than others, and some endowed with powers of mind or body superior to those of their neighbours; so there will, from these or other adventitious causes, always be some richer or poorer, more distinguished or obscure than others.

There is no democracy in nature. The lofty mountain rises boldly from the lowly valley, and the tall cedar or aspiring pine towers above the humbler trees of the forest. The surface

* Burke says, "Turbulent discontented men of quality, in proportion as they are puffed up with pride and arrogance, generally despise their own order. One of the first symptons they discover of a selfish and mischievous ambition, is a profligate disregard of a dignity of which they partake with others. When men of rank sacrifice ideas of dignity to ambition, and work with low instruments for low ends, the whole composition becomes low and base. Does it not produce something ignoble and inglorious? a tendency to lower along with individuals all the dignity and importance of the State?"

of the world is everywhere varied and diversified. The nucleus of every society is a family. The father is despotic. When families increase, they form a tribe. The patriarch of the little community maintains the same authority. His will is law, and all submit to it because it is parental. As these tribes become more numerous, the most powerful chieftain assumes, or is selected, for the supreme command, and takes the attributes of royalty and the title of sovereign, while the other magnates occupy the position of nobles. This is the oldest and most natural form of government. The combination of these separate communities gives strength to the nation, and the centralization of power in one person imparts weight and dignity to the throne. The first internal struggle is commonly between the monarch and his nobles, which is hastened or retarded by the personal qualities of the prince. In this contest an appeal is made by both to the people, on the one hand to repress the turbulence or insubordination of the lords, and on the other to restrain the despotism or resist the oppression of the King. To secure the support of the population, recourse is had to the usual arts

of popularity. They are informed that they have rights, of which each claims to be the champion, and are promised immunities and privileges which both engage to maintain and enlarge. If the monarch is weak in intellect or deficient in conduct, he is compelled to execute a magna-charta, and submit to have his authority limited; if he be successful he takes care to punish the refractory, and disable his opponents from entertaining similar projects of aggression. The people, from being so often familiarized with these disputes, and so constantly flattered and cajoled, finding that the real strength of the nation resides in them, begin at last to believe that there is great truth in all the praises bestowed upon them, and persuade themselves that they are competent to govern without the aid of kings or princes, dispense with both and set up a Republic. Instead of being content with a few masters, whom they could always conciliate or control, they submit themselves to that many-headed monster a majority, and become alternately tyrants or slaves. Democracy, therefore, is the last resort, because it is the least natural form of government, and has been generally

found in old countries to terminate at the point from which it started, military despotism. The main attraction it has for mankind is the constant increase it offers to their vanity. It calls them "free and enlightened citizens," and "sovereign people." It denies the divine right of kings, but assures the multitude that *vox populi* is *vox Dei.* Although there is something repugnant in it to the feelings of a gentleman, there is a certain stage of civilization to which it is not ill adapted. It is sufficient for the wants and the means of a rural and a moral population, for it requires virtuous conduct for its basis; but it presents, in its practical operation, no charms for any one above the yeoman, for in proportion as the people are simple and rustic, so is refinement wanting. That is generated only in more polished circles; for where all men are equal by law, by nature, and by compact, the highest must be reduced and the lowest raised, and the level is inevitably mediocrity. From these natural causes the state of society in the Republic of Massachusetts at the end of fifty years (or in 1684) was far inferior to that of New York and Virginia. It was, however, the

will of the Americans to found a republic, and they did so without an effort and without a struggle. My object is not to inquire whether they were right or wrong, but to describe the real progress and fall of this little State. Having thus established it, they secured its continuance by the means I have related. It was an unobstructed experiment. It was not a revolution which must ever precede such a change in old and populous countries. There was neither pressure from without, nor convulsions within. It was a compact, into which all unanimously entered.

5th. Although the Puritans, who migrated to America, were in general men of station, intelligence, and prosperity, yet they were not all so. There were mechanics, servants, and men who earned their bread by their daily labour. The proportion of the latter was small, and their condition soon became better than that of their employers.*

* This is the natural course of events in a new colony. The wheel of fortune turns rapidly. The gentleman is soon reduced in circumstances: his servant, who knows the value of frugality, and is accustomed to labour, becomes rich enough to educate his son, who, in his

It was not necessary to erect national workshops for them, at the expense of the State, as was the case in the recent revolution in Paris; on the contrary, laws were passed regulating their wages,* to prevent them from growing rich too rapidly from the wants of the community. For the same cause, no disciplined troops were required to protect the government from the tumults of the people. A few

turn, loses sight of the means by which the property was acquired, and relapses into the obscurity from which he temporarily emerged. I find in a letter written by the collector of the port of Boston (Mr. Randolph), addressed to Lord Clarendon, and dated June 14th, 1682, the following account of the state of society: "The first adventurers are either all dead, and their children drove out of all by their father's servants, or are so few and inconsiderable, that no notice is taken of them. And as for all the persons joined in the faction here, I know but one man who was not a servant, or a servant's son, who now govern the Governor and the whole country." This is said to be exaggerated, and it is possible that the language is too unlimited, but I am inclined to think it is not far from the truth.

* Carpenters, joiners, bricklayers, sawyers, and thatchers were to receive no more than two shillings per diem.—*See Code of Laws, Hutchinson*, vol. I, p. 435; vol. II, 449.

constables, to serve notices or legal process, were all the police force necessary for the administration of the law. But, while they secured the equality of all, they made due provision for the support of the supremacy of the law, and contempt of authority was repressed by fine, imprisonment, or corporal punishment.

6th. This little State of Massachusetts was a federative body in itself. The town meeting, as we have seen, was a little republic, subordinate to the central one at Boston. So was the county, with its bench of magistrates, grand jury, and paraphernalia of government. Above all, and controlling all, was the metropolitan or federal administration in Massachusetts. The great American Republic did not spring, therefore, directly from the revolution: it resulted, as an inevitable consequence of the settlement of the Puritans in New England, and the institutions they founded there. It was a vigorous shoot from the old stock, the roots of which were still alive, though concealed from view, and were constantly spreading and extending themselves under the surface.

We come now to the consideration of the

second period, the adoption of the Federal Constitution, and must pause for a time to view it in its renovated but more artificial form. In the historical sketch given of the little Republic of Massachusetts, we observe nearly all the features of the great union. After the Charter was withdrawn, in 1684, and a more monarchical character given to the government, we have seen that the people had become so accustomed and attached to their old institutions, that they never lost an opportunity of resisting the royal authority, and the interference of Parliament; and that they had so disseminated their democratic opinions through the other colonies, that the inhabitants were everywhere ready, and only waited for a suitable opportunity to throw off the yoke altogether. The inexcusable, unconstitutional, and monstrous project of taxing a free people, without their consent, unhappily afforded them the pretext they desired, and, availing themselves of an occasion which appeared to justify to themselves and the world a resort to arms, they burst their bonds by one desperate effort, and proclaimed themselves independent. They had been so long used to local legislation under their various charters

and other forms of provincial government, that they were at no loss what institutions to substitute in their place. Preserving their several prescribed colonial limits, they founded a republic in each; and, from their past experience of the advantages of combination, they formed, with no great invention in the design, but with infinite skill in the details, a supreme federative compact, denominated, by way of contradistinction to those of the separate provinces, the government of the "United States." The accidental circumstance of their having heretofore existed as distinct plantations, produced an unwillingness to surrender the control which they ever exercised, within their own limits, over their own affairs. They, therefore, retained their respective sovereignty, and only imparted to the federal government so much power as was necessary to preserve uniformity on subjects of vital importance, and to enable it on emergencies to wield their combined resources, to treat in the name and on behalf of all with foreign powers, to regulate their common army and navy, and similar objects. Without these pre-existing sub-divisions of the country, they would have had to resort to one

general central government, which, from the extent of their territory, and the nature of democracy, would, from necessity, either have been too weak to be efficient, or too strong to be quite consistent with liberty. Chance, therefore, happily limited their experiment to its present form.

In the great republic we find all those peculiarities that characterized their first model.

1st. The same vast territory for the purpose of expansion.

2nd. People of one common origin, speaking the same language, accustomed to the same laws, versed in self-government, and possessing all those institutions, without which power can never safely be lodged in the whole population.

3rd. No pre-existing hierarchy, aristocracy, or hereditary orders, and no monarch. The latter they had never seen. He was to them a mere legal fiction. Theoretically they had admitted his existence; but, practically, they had never acknowledged his representative.

4th. Though they had exhibited great military skill and courage, as well as their predecessors in Massachusetts, they never desired nor required an army. Like them, they had

no neighbours to fear, were removed at a distance from the belligerent powers of Europe; and five thousand men under arms were sufficient to prevent or chastise the incursions of the savages.

5th. In like manner they had no poor, but the infirm and the aged. In many other respects the resemblance is too striking to be misunderstood.

On the other hand, they made some extensive changes, and some institutions and principles were introduced that owe their origin to the statesmen that framed the Constitution, and not the old Puritan republicans. Among the first and most important was universal toleration, a refusal to endow or establish any form of religion, and a fixed determination to place all on a footing of perfect equality. To the casual observer, nothing can be sounder in principle, or more just and equitable in practice. I do not say that they could have done otherwise, situated as they were at the time; but no man, who understands the state and operation of the various sects in the United States, but must see that in the end this universal and unlimited toleration, or right of all

religions, will ultimately produce that political preponderance which it was designed to prevent. At the period of the revolution, there were very few Romanists in any colony but Maryland; and one of the grievances complained of by dissenting demagogues, was the privilege conceded by Great Britain to the French in Canada, to enjoy religious liberty, which they affected to think would jeopardize the safety of the whole continent. The appeal thus made to the prejudices of the people, produced, as it was designed, great acerbity of feeling, and the cry of "No Popery," was added to that of "No taxation." No sooner, however, had they achieved their independence, than they invited emigration from all parts of the world, without reference to creeds, and promised protection to all. Rome availed herself of the invitation so freely given, and supplied priests and funds to her numerous votaries that resorted thither. Contrary to expectation, they proved themselves good democrats, extolled that tolerance in others which they never knew how to practise themselves, and condemned that despotism in Europe, whose chains they had so long and so successfully assisted to forge. Prejudice was disarmed, and

apprehension allayed; and the people congratulated themselves on the wisdom and justice of their institutions, that could work such a wondrous change in the habits and thoughts of a body of Christians, whose very name had hitherto been associated with the grossest superstition, and the most devoted bigotry. Such a form of religion, they said, could not long exist in a republic; mixing freely, and associating familiarly, with Protestants, they would soon learn to prefer independence of mind to a blind submission to the dictates of a priesthood, who had no longer Inquisitions to interrogate, and no dungeons to terrify or punish heretics. They had hitherto seen too little of them to know much about them; and what they had heard, as is always the case when a character is sought for among enemies, was grossly exaggerated. They found them good citizens, and what was of equal importance, devoted republicans. Finding they were by no means as bad as they were represented, like all men who discover that they have been imposed upon, they turned a deaf ear to all that experience could reveal, or wisdom suggest, as to the dangers to be apprehended to the State,

in future times, from the unity of so large a body, and the facility with which its whole weight could be wielded by a foreign potentate. Indeed there was but little opportunity for reflection. The resources of the country were great, and the activity of the people still greater. Wealth was to be found in every branch of business; but the most diligent and industrious appropriated to themselves the largest share. In this universal search for gold, such was the zeal and the hurry of the pursuit, that there was no time for meditation. The urgent and indispensable wants of the State, and of individuals, were supplied with impatient haste. Futurity, like religion, was left to take care of itself, in the firm belief that voluntary efforts would be sufficient to meet an emergency, if it should ever occur. The growth was forced and unnatural, and the shoots so exuberant, as to lose in strength what they gained in size. In the meantime all was change. The new had grown old, and the old worn out or decayed. Massachusetts claimed to be the Athens of America, and regarded its University with pride and veneration. Its professors would adopt nothing without proof. The authority of

English divines ceased at the revolution, and was renounced with that of the Parliament.

They therefore collated manuscripts, examined into the Arian controversy, and reversing the decrees of the Council of Nice, pronounced the heresy to be orthodox doctrine. They had founded a new form of government, why should they not adopt a new creed? It suited the rich, the literary, and the new fashionable society of Boston, to be flattered that they were wiser than the Puritans, and far in advance of England, which was behind the enlightenment of the age. To gratify the tastes of the public, and not to repress them, is the business and aim of the voluntary system; and the preachers have no reason to complain of the parsimony of their congregations. The old denominations, as we have seen described, have been in a great measure superseded by endless numbers of sects, more or less absurd, according to the degree of prejudice that was to be pandered to, discontent soothed into complacency, or ignorance extolled into wisdom. They are to be found dispersed over the whole country, extending from the lumberer's camp, on the borders of Canada, to the Pacific Ocean, and are either offshoots

from the old dissenting bodies, or indigenous, annual, or biennial plants. They embrace every possible variety, from the intellectual Baptist (who eschews and dispenses with all human learning, and yet very gravely informs his flock that baptism is derived from a Greek word, which in the original language signifies "to dip," or "immerse"), to the Mormon, who has a revelation and a prophet of his own.

While religion was thus daily put on and off like a garment, and its colour, texture and shape, constantly varied, there were two ecclesiastical bodies, with fixed creeds, established formularies, and uniform discipline, which, though widely different from each other, remained, amidst the universal mutability, unchanged in all but their numbers—the Episcopal Church of the United States and the Church of Rome. As soon as the former was released from the authority of the English hierarchy, persecution ceased; and, like all other bodies, it was permitted to take its chance, unmolested and unheeded, for popular favour. Its growth has exceeded all expectation; and its further increase, from obvious causes, is, fortunately for

the nation, destined to be no less certain and rapid. It is impossible to express the commendation so justly due to her clergy, for their learning, piety, and self-devotion are above all praise. Amid all the secret doubt, and open disbelief, the conflict of sectaries, and the endless changes with which she is surrounded or assailed, her portals are ever open to those who are heavy laden with care, and thousands are seeking rest in her bosom. From such a body, so constituted, no danger is to be apprehended. Unconnected with the state, she confines herself to her own calling. She neither asks nor desires an union with it. She has no ambition but to perform her allotted task, and no object but the meritorious one of being a worthy servant of her blessed Lord and Master. She endeavours to make her people good Christians, and, in doing so, makes them good subjects. She teaches obedience to the laws, and respect for those in authority, and upholds good order in society, and virtuous and patriotic conduct in public life. If there is safety to the commonwealth in the jealousies and contentions of sectaries, there is also security to be found in the doctrines and unexceptionable conduct of the Church.

Romanists, however, are not content with equality anywhere. They submit to it, when inevitable, not only with good grace, but with much laudation. They always aim, however, at supremacy; and when supreme, they are ever intolerant. They can never be affectionate subjects to a Protestant monarch, but their tenets are utterly inconsistent with, and subversive of, a republic. Rome has of late years modified, or perhaps changed, her politics. Formerly she aided the civil power in time of need, but took care to secure some concession, in return, for her own aggrandizement. There was, however, in general, a good understanding between them; her doctrine being that the throne and the altar were so inseparably connected, that neither could long exist without the other. This defensive and offensive treaty, however, was not without its dangers. If the Prince was a convenient ally, he showed that he could sometimes be a troublesome one also, and often interposed his shield between his people and the Pontiff. At last the American revolution revealed a new page in the theory of government. The Jesuits, the most able, most subtle, and best informed body of ecclesiastics

in the world on the subject of the human heart and its passions, affections, and infirmities, and the most skilful in entangling it in its own meshes, until it becomes powerless in their hands, lost no time in studying the new and startling fact it disclosed, and applying the information thus strangely elicited to the extension of their power.

The experiment of universal toleration, and equality of civil rights, when made in a Protestant country, proved, contrary to all expectation, not only congenial to the principles of Popery, but conducive to its growth and influence. The fact, as regarded the United States, was too plain to admit of a doubt. The error that these Italian divines committed lay in supposing the principle to be one of general instead of local application, and in assuming, without sufficient examination, that there was analogy or resemblance between the population of the United States and that of any country whatever in the Old World. This mistake has been fatal to the repose of the Old World, and has well nigh overwhelmed the power that conceived and acted upon such a mischievous policy. Seduced, however, by the unexpected success of

the experiment in America, Romanism immediately allied itself to democracy everywhere. It thought that if it could break down the civil power, reduce all ranks to a common level, and gradually weaken any constitutional connection between the several governments and Protestantism, it would recruit its forces from the population of its adversaries, overthrow them in succession, or perhaps overwhelm them all together. As far as pecuniary resources were concerned, it had already discovered that "Peter's pence," contributed by the poor, outweighed the rare but valuable endowments of Princes. They felt, and knew also, that when all distinctive rank should be destroyed, its own spiritual orders would still remain pre-eminent, exclusive, and perpetual.

Acting upon this principle, it planned and executed a revolution in Belgium, by which it was severed from Protestant Holland; and although neither England nor France would then consent to its being made a republic, the reins of government were transferred to the hands of the priests. In the Rhine provinces of Prussia, the affections of the Papist subjects were withdrawn from the King; and they

were prepared, and instructed to join the first effective outbreak of democracy. Ireland was agitated to its centre, and the resources of the empire were wasted in supporting an army in that unhappy country for the suppression of rebellion. In Canada the tone of the whole Roman Catholic body was changed. Papists have accordingly acted with the greatest secrecy and unanimity, and everywhere obtained concessions, that increased their power to demand with more effect in future. In Europe this powerful alliance has not been attended with the success that was anticipated. The degenerate inhabitants of ancient Rome are vastly inferior in intellect, energy, and virtue to the vigorous population of young America. No sooner had the Pope opened the flood-gates of democracy, than he was ignominiously driven from his dominions. He "sowed the wind and reaped the whirlwind." In America they have acted more prudently; they have accommodated themselves to circumstances, and waited their time. They want but the majority, the allotted number of which will soon be completed, to obtain a legal and constitutional conquest of the country. The Irish are emigrating in

masses; hitherto they have sent their children, the whole island having been for many years past designed for, and systematically converted into a nursery for this purpose; now they are transporting themselves: while Papists from all parts of Europe are daily swelling their forces, and augmenting their means. In every Protestant country they are a compact body, and know the value of unity. In the House of Commons their cohesion and support can keep any ministry in office. If a party, having less consistency and principle than the Whigs, were willing to exceed the bounds they have very properly laid down to themselves, and would offer rank and titles to their hierarchy, whether at home or in the colonies; admit their politicians to the Privy Council, pay their priests, open diplomatic relations with the Pope, and preclude the Church of England from the exclusive education of her people, can any man doubt that such a body, which always makes politics secondary or auxiliary to its Church, would give their support to such valuable allies? In America they know that the natural course of events will ultimately put them in possession

of the government. Their language, therefore, is more guarded, and their conduct more circumspect; but still no public man can safely resist them. Whatever party they patronize must succeed; and if that party expect to retain office, it must, as far as is compatible with the present Constitution, gratify their wishes. If there be any meaning in terms or definitions, a republican form of government is one that is built on the independent exercise by every individual of his own judgment. It is obvious, then, that if the head of a Church like that of Rome, can command, on any popular question, a million or two of votes, a power is brought to bear upon the administration of the country, totally at variance with its institutions, and that, as that power increases, the chief ecclesiastic, whether he be a Cardinal or Archbishop, will gradually direct the affairs of the nation. In the meantime its fate and destiny, if not controlled, are at least most materially affected.

In the ephemeral experiment now trying in France, this power of the priesthood has been already sensibly felt, in her extraordinary intervention in the affairs of Rome; by which, after

founding a republic at the expense of the blood of thousands of her subjects, she exhibited the sincerity of her love of freedom by crushing the first effort of the Italians to follow her example. That this body now exerts a powerful influence in the United States is most certain; and that it is likely to increase and greatly preponderate is more than probable; to assert broadly, however, that such a result is inevitable, would be, to say the least of it, presumptuous.

An over-ruling Providence has many things in store for us, which we are not only unable to foretel, but even to conjecture; and the uncertain future no doubt caused Rochefoucault to lay it down as a maxim, "that what is probable, seldom happens." There is, however, as much smartness as truth in the remark, and it may be viewed rather as an exception than the rule; were it otherwise, experience would be a fallacious guide, and reasoning would be useless. The present condition of Popery is certainly very anomalous; while the trunk has become decayed, and the branches withered, the roots are vigorous, and are constantly sending up new shoots. At home it has lapsed into indifference or infidelity; in Spain, into a

new ceremonial and cold observance; and in South America it is wandering into dissent.* In purely Roman Catholic countries it is everywhere languid; the stream is deep, but

* An extract from a letter of the Rev. Mr. Mines (a missionary to California), in the employment of the American Episcopal Church, dated San Francisco, November 1st, 1849: "The Church of Chili is far advanced in the path of reformation. A Bishop is appointed. The Pope refuses to confirm the chosen, the nomination is renewed in the form of a demand; the Pope issues a bull ordering the consecration, declaring that we have *proprio motu* appointed the said A B; the bull is sent back accompanied with a demand for the erasure of the *proprio motu*, as the nomination had been by the Church and the Government of Chili, and the Pope yielded. The Curate and several inhabitants of a town urged me much to accept the use of their church and perform our service. No explanation that I was not a Romanist would be allowed. Officiate and preach I must. I told them, in answer to their questions, I was a "Christian," a Catholic Apostolic one, too, not a Romanist; holding to no Pope, no prayers to saints, no masses or propitiatory sacrifices by priests for the living and the dead, no auricular confessions, no purgatory; but believed in the commemorative sacrifice; showed my Prayer Book, and was almost forced to exhibit our forms of worship. In fact, the Romish Church in some of these countries has touched bottom, and I am sure her reformation might be effected."

the current is sluggish; it appears to require opposition to preserve its vitality. In Ireland, the Orangemen compel it to arm and withdraw within its own lines; in England, the cry of "No Popery" forces it to station sentinels at the outposts, and to send spies into the enemy's camp; in the United States, and the colonies, it is surrounded by dissent; and to preserve its people from contamination it is necessary to resort to sanitary laws, and cut off communication, as much as possible, with those who live in infected districts. Some ceremonies and some vestments, that shock puritanical simplicity, are either laid aside or reserved for the edification of the faithful only; while obnoxious tenets or practices are no longer publicly enforced, though privately taught; for ridicule eludes the grasp, long after argument is vanquished.

Whatever men pay for, or contribute to, they value, because they feel they have an undivided share in the common stock. And in like manner, a creed that has to be maintained in the face of opposition, is endeared to its advocates in proportion to the peril they incur, or the difficulties and toil of the defence. From the present aspect of things, however, in Ame-

rica, the necessary influence of the principles to which I have alluded, and the rigid discipline and peculiar nature of Popery, it is reasonable to entertain the apprehension I have expressed, that in the cours eof time the government of the country will be in the hands of the Romanists. Such a supremacy presupposes no previous change in the constitution which has already ordained that the majority is to rule; so soon as they constitute the majority the sole power belongs to them as a matter of right. Until then, they must content themselves with exercising, as they now do, a controlling influence over the officers of the State.

The next great change was in the right direction. From the loss of the Charter in 1684 to the Revolution, during which time Massachusetts was compelled to receive her Governor from England, the legislature never would settle a permanent salary upon him, but endeavoured to worry or starve him into compliance with their views. A large portion of the struggle I have related between that functionary and the democrat party, consisted of petty and undignified contests on this subject. As soon as they made and adopted a constitution for them-

selves, they abandoned the practice, and thus unconsciously condemned their past conduct. The preamble to the clause regulating this matter is as follows :—

"As the public good requires that the Governor should not be under the undue influence of any of the members of the General Court by a dependence on them for his support, that he should, in all cases, act with freedom for the benefit of the public; that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate, it is necessary he should have an honourable and stated salary of a fixed and permanent value, amply sufficient for these purposes, and establish by standing laws. And it shall be among the first acts of the General Court, after the commencement of this constitution, to establish such salary by law accordingly."

Similar language is used in the Constitution of the United States as regards the President. By article second, section first, it is provided that the President shall, at stated times, receive

for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them. The judges had also been involved in the same uncertainty and difficulty about their salaries. The duties of the judiciary, though they may claim respect, neither can nor ought to attract popularity. A judge is a terror to evil-doers, and in times of excitement, when the ferment of the public indicates the approach of a rebellion, one of the first symptoms of danger is the attempt to overawe or overthrow the bench. The last Chief Justice of Massachusetts, under the Royal Government, an old and faithful servant of the Crown and the colony, on account of his conservative opinions, narrowly escaped with his life from the fury of the mob, who first plundered his house of his money and plate, and then destroyed what they could not remove in one general conflagration.

In Canada the rebellion was ushered in by continued slanders, unprovoked attacks, and finally, unjust impeachments of the highest officers of the court. They who are bent

upon mischief generally attempt first to loosen the bonds of society by weakening the authority of the bench and lowering it in the estimation of the community. In Massachusetts, at the same time that they made a fixed provision for their Governor, they also resolved, "that permanent and honourable salaries be established by law for the justices of the Supreme Judicial Court." The judiciary of the United States, as we have seen, is its sheet-anchor. Its power is far greater than that of England, and its practice far better than that of France. The decrées of the Supreme Council are final, the legislature possessing no appellate jurisdiction as in Great Britain. It respects the common law, and its own previous decisions, which is not the practice in France, where a judgment governs the suit only, in which it is given, but fixes no rule obligatory upon others in similar cases; while in learning, ability, and integrity, the judges are not surpassed by those of any other country in the world. The power entrusted to them is immense, and not only requires the exercise of all those high qualities to which I have referred, but great caution and consummate prudence, as well as firmness and

decision of character. To evince the least desire to extend their jurisdiction would jeopardize all that has been entrusted to them; to surrender any part of it would tempt aggression, and produce those very conflicts it is their interest and duty to avoid. No men can be better fitted for this difficult and delicate task, and they are justly entitled to all that respect, obedience, and veneration so fully and freely conceded to them by a reflecting, intelligent, and grateful people.

Their mode of appointment I have already described; it is infinitely more honourable than that pursued in England, and incomparably superior to that which imperial folly, ignorance, or negligence has permitted the politicians of Canada to adopt; and it is impossible to conceive a plan more admirably well suited to secure a good selection, than that of the Americans. The reader will remember, it is an adoption of this course, or a close imitation of it, that I have recommended for the distribution of the patronage in Canada; for nothing can be so ruinous, either to the respectability of the bar, or to the efficiency of the bench, in small provinces, as to make a seat on

the latter dependent upon violent partizan conduct, or coarse popularity, instead of eminence in the profession.

In England, we have seen that Parliament is supreme; it can alter, amend, enlarge, or abridge the constitution as it sees fit. In the United States, Congress has no such authority. It has a certain delegated power, it can neither extend nor restrict. Any such change must be submitted to the people at large in the separate states; consequently the validity of an Act of Congress, or of a State Government, and its constitutionality, is the subject of adjudication in the Supreme Court, as well as the limits of their respective jurisdiction. The power to enforce its judgments is not so strong as is desirable, and rests mainly on public opinion, and a love of order and of law in the citizens. Hitherto this has been found adequate for the purpose. Whether, when the population and territory of the country shall have been still further augmented, and contests of an exciting nature between the states themselves shall arrive, it will continue to be supported and obeyed, as it has hitherto been, is a problem not

now necessary to discuss. Every friend to national freedom and good government, must hope for such a desirable result.

Having taken this short review of the subject, two questions will naturally present themselves to the European reader: 1st. Can such a republican government, or anything resembling it, be introduced with any hope of success in England? 2nd. Is it at all applicable to France? I do not propose to enter fully into these subjects for the reasons already assigned, but shall as briefly as possible state a few of the reasons that in my mind are conclusive against any such experiments: 1st, as to England.

In Great Britain there is doubtless a large republican party, composed of Chartists (a set of people not very distinguished for their intelligence); Radicals, (one remove above their level in station and means, but far below them in honesty); Political Dissenters, (who have already made one attempt at a republic, and showed that they regard the scaffold and confiscation, with a true Christian spirit, as the means of testifying their love of their neighbours, and a just regard for the distribution of

their intestate estates); Irish Romanists, (whose object is the removal of Protestants, and the substitution of Papal ascendancy); and a large portion of the manufacturing labourers, whom free-trade has plunged into deplorable poverty, andw hose passions have been inflamed by artful, unprincipled men. There is also a motley group of adventurers and amateur aristocratic politicians, who rest on these masses for support, affect to advance democracy, and play with it as a tub to amuse the whale. There is nothing in such an assembly of craft or cant, of ignorance or vice, to win the support of honest men, while there is much to alarm the reflecting mind. Every enlargement of the franchise is a downward step toward democracy, while each successive stage is progressively more precipitous, and the gulf hitherto hidden in the distance is now plainly exposed to view. The landed proprietor, the main support of the monarchy, is rapidly losing his influence, with the decrease of his means; and his tenants, unable to compete in the market with foreigners, call for a further reduction of rents, and a greater expenditure of capital, or threaten to migrate to America, where protective laws are in force, and likely to

remain so, on a principle of prudence, that "Charity begins at home," and a maxim of necessity, that "Self-preservation is the first law of nature;" two fundamental rules worth all the sophistry of Sir Robert Peel, the declamation of Cobden, or the drivelling of platform orators.

On the other hand, one consideration of great magnitude is, that Great Britain is not a country where such a change will be tamely submitted to. An Englishman is made of sterner stuff, than to surrender his rights without a struggle. What that contest will be we know by experience, and shudder when we think of it. The throne and the altar must first be overthrown, the peerage abolished, hereditary descent of land and title abrogated, and the whole frame-work of society first broken to pieces, and a new one reconstructed, and set up in its place. All this, we have seen, that the Americans were not called upon to do; and, without repeating oneself, it may in general be said, that in each and every respect in which England differs from the condition of the old colonies in 1783, that variance constitutes an argument against the experiment. The nation is blessed or encumbered, as wise or foolish people may consider it,

with all these monarchical institutions, feelings, and associations. It has not the room for the expansion the United States had, nor its general education, nor its democratic institutions ready formed, nor a people fitted for self-government, nor the elements of amalgamation in its population.

America was prepared for her republic from her earliest childhood; trained, educated and practised in democracy, and knew of nothing else but by report. How widely spread, how deeply laid, how well constituted, must those institutions have been, to have enabled her to receive the countless thousands of the lowest refuse of European ignorance and degradation, without injury or danger. But she had room for them, they were not shut up in cities to engender fears and famine; but were consigned at once to the canals, railroads, tunnels, mines, bridges, and other public and private works, which engrossed and required the whole labour of the people. If this stream of immigration had been limited to one channel it would have burst its bounds, and submerged a whole state. It was wisely diffused over the entire country, and was instantly absorbed like a summer's

shower. England, on the contrary, is filled to the brim, and has opened every sluice of emigration to relieve herself of her redundant population.

It has been objected to America, that some of her States have repudiated their debts. Selfishness is an evil inseparable from democracy, and when the responsibility of a public act falls on a whole people, the sense of wrong is lost in the infinity of numbers; *quicquid multis peccatur inultum.* But does any rational man suppose if a republic were formed in England, or if any great extension of the franchise were to take place, that one of the first acts of the Legislature would not be to expunge the National Debt? In this respect Great Britain is behind America.* In the former

* Some years ago, I revisited England after a very long absence, and, as is usual with colonists, being anxious to hear the debates in Parliament, went to the House of Commons as soon as possible. In the course of the evening, I asked a stranger who was sitting near me, the name of the person then addressing the House. Surveying me with unfeigned astonishment, he replied, "May I ask, Sir, where you can possibly come from, who put such a question to me as that?" Having satisfied him upon that point, he said, with much animation,

(judging by the deterioration in the character of its legislation since the introduction of the Reform and Manchester bills), an equal extension of the franchise would in all human probability be productive of this disastrous and dishonest act. In America (whatever has been the behaviour of individual states, and we have seen that the tendency in them is to retrograde), no apprehension has ever been entertained that Congress would be guilty of such iniquitous conduct.

Whether a republican government can subsist even in America, with any sufficient guarantee for the safety of property, or the protection of a minority, when her large cities shall be filled with pauperism, and the arable and available land between the Alleganies and the Atlantic shall have been occupied and subdivided by a redundant population, is, to say the least of it, a matter of doubt; but that it

"That is Sir Robert Peel, Sir; look at the large body of gentlemen that support him, and then cast your eyes on the rubbish on the other side of the House." Alas! that this honourable connection should have been dissolved a few days after I became acquainted with my informant. It was the late Horace Twiss.

can never be made to work harmoniously in a country like Great Britain, with her enormous masses of poverty and ignorance, is apparent to every practical man. There is no light strong enough to penetrate these dark regions, and the temptation presented by the vast inequality in the distribution of wealth, is too strong for destitution to preserve its honesty. Nor is such a change needed. America had no choice; she had never known anything but self-government, and there was nothing in her elements congenial to monarchy. No other practicable alternative was presented to her; it was the only one suitable to her social or political state. It was an inevitable necessity, and was submitted to as such; and at the same time unanimously adopted, cherished and lauded, as an inestimable blessing; there were not two opinions on the subject; it was not a triumph over monarchy, for that had never a root in the country. It was not a refuge from anarchy, for there was no period in which law was subverted; it was not the act of a majority compelling obedience from the dissentients, for it never was made a question, or admitted of a doubt, or had been debated upon. It was an

indigenous plant that had arrived at maturity; the climate and country favoured its growth; the fruit was agreeable to the eye and to the palate; the natives had ever been accustomed to it, and they cultivated it universally. Nothing of the kind exists in England. A noxious weed of a different species, but bearing the same name, has been sown, and ought to be extirpated in time.

In America, where the people are distinguished for their sound practical common sense, if a man were to attempt to recommend for adoption a monarchical form of government, in all probability he would fail of obtaining an audience; and if not, he would at the conclusion of his harangue either be secured as a lunatic, or punished as a traitor. In like manner, strolling politicians who advocate democracy in a monarchy like England, not only are bad subjects, but infinitely more dangerous than those to whom I have just alluded; for the people to whom they address themselves are vastly inferior in intelligence and love of country to the Americans, and lend a willing ear to their seductions, and, if need be, would lend a willing arm to assist in carrying out their theories. The present

form of mixed government is the only one at all suitable to England. If the monarchical principle were stronger, it would be inconsistent with liberty; if the democratic elements were enlarged, it would become too powerful for harmonious action, and endanger the whole machinery. Much as we may applaud the wisdom and skill of the great American statesmen, who devised the checks in their constitution, and much as we may admire its adaptation to the people and circumstances under which they were placed, no impartial politician or sound statesman, whatever may be his country, but must admit that it is infinitely inferior to that of England.

In many essential points,* the English legis-

* Tacitus has recorded his admiration of the theory of such a Government as that of Great Britain, but questions the practicability, as he well might, of its successful operation. The very doubt shows his wisdom. A people must gradually arrive at such a result, for it must grow with its growth. "A 'ready made' constitution can suit no people in the world. Wherever it has been tried, it has failed. That of the United States, when copied in Mexico, disappointed expectation. A Spanish population was not fitted for it, nor was it congenial to them. The hesitation of Tacitus is

lature is further removed from the popular action of the masses, and is more independent in its deliberation, than the American; while the executive is more vigorous, more capable of a long-sustained struggle, and at the same time the minority is better secured and defended. Property is represented in Parliament as well as numbers, and the various orders, without which no community ever can be either refined or agreeable, are preserved, protected, or supported. The effect of monarchy on the state of society is directly the reverse of republicanism; instead of depressing, it elevates its tone. It adds grace to beauty, polish to wit, ease to conversation, and elegance to letters; it adorns all that it touches; and who shall despise the influence and even the value of fashion? It has its own laws as well as the state, and rigidly enforces

equivalent to his praise, and both exhibit unmistakable evidence of his discernment and judgment: "Cunctas nationes," he says, "et urbes, populus, aut priores, aut singuli regunt. Dilecta ex his et constituta reipublicæ forma, laudari facilius quam inveniri; vel si evenit, haud diuturna esse potest" (Ann. Lib. IV). Cicero arrived at the same conclusion: "Statuo esse optime constitutam rempublicam, quæ ex tribus generibus illis, regali, optimo, et populari, modice confusa."

them; but it is no leveller. It has no republican pride, that disdains to acknowledge a superior, and yet avails itself of the possession of gold to inflict on others a feeling of inferiority; it gives place and honour to rank and virtue, and countenance and encouragement to timid or retiring merit. It is unselfish, it yields to all to captivate all. It has no argument, no politics, no schisms. Its very mirth is gentle. It is gay, but not boisterous; playful, but not personal; scrupulous, but not captious. It invests social intercourse with a charm. It limits and defines with precise accuracy and delicate shading the various minute differences that always exist in society, and assigns with equal skill and impartiality, to rank, reputation, and talent, their respective places. Social circles are all concentric, but of various extent and circumference, in proportion as they become more and more distant from the centre; they touch closely on each other, and yet leave room for independent action; they are nearly assimilated, and yet sufficiently distinct to admit of a selection that best suits the income or the taste of those who prefer to associate on a footing of perfect equality; while, at the same time, many of

those that precede or follow each other are so nearly blended together, that it requires some discrimination to say where one ends and the other begins. Where all men are politically, they soon become practically equal, and equality demands mutual sacrifice. The yeoman endeavours to accommodate himself to the usages of life, and the man of the world and the gentleman relinquishes his polish, to obliterate all trace of superiority. When such is the case, distinction must be sought where it can alone be found—in wealth. Republican life, wherever it exists, is typified in California. Toil, premature danger, and exile are endured by the gold-digger; and when the fortune is amassed, and the distinguished man returns to his home, his happiness is blasted, for envy has found that his manners and morals have not been improved by his associates, that his constitution is impaired, and that there are others still richer than himself. Wealth can do a vast deal in England, and furnishes a convenient cloak wherewith to conceal infirmities. And where does it not work wonders? But there is much in society in England that wealth is unable to

effect, that it does and ever will accomplish in republics.

The second inquiry is: Is it suitable to France? That unhappy country had, by its previous revolution, removed all those obstacles that nature and antiquity had reared up in the form of legal institutions, and which still exist in England. They were not merely overthrown, they were annihilated. Everything had been reduced to a level. But the same whirlwind of the passions that had overwhelmed order, religion, and virtue in one common wreck, proved too powerful for the partly-constituted and badly-planned republican edifice, erected on the ruins of the monarchy. No sooner had the storm subsided into a comparative calm, and men had time to look about them, than it was discovered to have been built on no solid foundation, and it was abandoned to its inevitable fate; military despotism, the last refuge of anarchy, being substituted in its place. Its effect was not to restore order, but to divert the fury of the people from themselves, and direct it against other nations. Nearly every country in continental Europe has been deluged by blood,

or devastated by fire and sword, to spread the fraternity of liberty, and diffuse the inestimable blessing of having no God, no King, and obeying no law but the free and unbridled rule of animal instinct or passion, which has been deified and worshipped under the specious name of reason, or the immutable right of man. After these destructive and ruinous wars had ceased, and the belligerents laid down their arms in utter exhaustion, people soon found they could not subsist without industry, and that food, though a vulgar consideration, was necessary even to the enjoyment of rights. The productions of labour require the protection of law, but that presupposes a certain degree of order, without which it is a dead letter. Disorder and law can never be co-equal, or the struggle will be too violent for public tranquillity. The latter must be by far the strongest; it then coerces by the weight, rather than the exercise, of its authority; it should be everywhere felt, but nowhere seen. It must be passive until put into motion; it then hears, deliberates, and decides. Its assistance must be invoked. It aids the oppressed; it defends the innocent; it punishes the guilty. But it is powerless of

itself: like everything else, it is correlative. Reason and wisdom are insufficient for its support; it requires the sanction of religion. In the investigation of truth, resort must be had to testimony. But man is an erring being; his impartiality and veracity are not always to be depended upon with implicit confidence; he must be placed under the solemn obligation of an oath. But if he do not believe in the state of future rewards and punishments, if he is not an accountable being, you have no hold upon him; he eludes your grasp, and "bears false witness against his neighbour."

A return to a state of peace afforded leisure for reflection, and the work of reconstruction commenced. The monarchy was again restored; the hierarchy resumed its functions, and the nobility their place and their duties; much that was new was added to the old structure, which, with equal good taste and sound judgment, was finished in the same antique style. France recovered most wonderfully from the wounds inflicted on herself in the fury and convulsions of her delirious fever. Her finances were improved, her commerce flourished, and her agriculture and manufactories were re-animated.

But alas! a few short months are sufficient to demolish the work of centuries; and in the general wreck produced by a moral earthquake, there must inevitably be many things irretrievably lost, or destroyed. You may substitute others equally costly, and to the unpractised eye of the casual observer, apparently far more valuable; but the family portraits, the armour of our ancestors, the trophies of their valour, the prizes of their learning or virtue, the tokens and tributes of private friendships, the antique relics of the olden time, which gratified and purified the pride, or stimulated or sustained the order of succeeding generations, who successively inherited and occupied the old mansion, are gone, and gone for ever. A public museum, enriched by national grants and private contributions, may contain a collection infinitely more rich and rare, and its marketable value may be immeasurably greater; but who is there possessing the common feelings of a gentleman, but must at once perceive that while the one merely improves the judgment and refines the taste, the other connects itself with all the affections of the human heart. When the restoration was decreed, it was found easier to design than

to execute the task. The fragments of the monarchy were few and widely dispersed. An old man, unacquainted with public life, and whose privacy had been devoted to pursuits as little calculated to add dignity to a throne, as to engage the sympathies of a people, was found in exile in a foreign land, and hastily summoned to occupy the place which had been filled by a long line of ancestors, some of whom had been the greatest, wisest, bravest, and most illustrious monarchs of Europe. A few decrepid invalids without fortune, or experience, other than that which had been learned at the sacrifice of every comfort, (how hard the lot of adversity is to those, who have been nurtured in luxury, and how difficult it is for dignity to clothe itself in the coarse garb of poverty) were summoned from every part of Europe and America to take their seats in the House of Peers. The few surviving gentry, whom time or the guillotine had spared, left the humble vocations to which they had applied themselves for their daily bread, and offered their congratulations to their Prince, on this resumption of his rights, accompanied by most touching appeals to his feelings, for a similar restoration of their own. The clergy

came forth from their hiding-places, to resume empty titles which they could not support, and a station* which, by contrast with their means,

* The passage refers particularly to what is called *la petite Eglise.* Palmer informs us that at the time of the French Revolution, there were within the kingdom one hundred and thirty-five bishoprics. These, together with twenty-four in Savoy and Germany and elsewhere, making a total of one hundred and fifty-nine, the Pope, at the bidding of Napoleon, annihilated, and created sixty new ones in their place. The owners of thirty-six of the old sees refused compliance with the Pontifical mandate, representing it as clearly *contrary to all the canons of the Church Catholic,* which it undoubtedly was. They and their adherents described the act repeatedly, and in formal documents, as *null, illegal, and unjust;* and the new prelates were declared by them to be schismatic intruders, with whom they could not communicate. Hence a schism in the Roman Church, which continues to this day. The deprived bishops and their party are termed by their opponents *la petite Eglise.* In the new order of things that arose, the Church became entirely dependent on the Government. The bishops could not confer orders without its sanction. Bonaparte managed everything as he thought proper; he exercised the most absolute jurisdiction, creating bishoprics, uniting or suppressing them. This system, with some modifications, continues to this day. In almost every country in Europe, the power of the Pope is controlled. Perhaps it is more unlimited in Ireland

they feared would attract more compassion than is compatible with dignity, and excite more ridicule than respect. Such was the restoration. It was decrepid from age, and imbecile from poverty. It was an exhibition of the galvanized bodies of a departed generation. They were strangers in their native land. Everything was changed but their language. Thought, feeling, fashion, society, tastes, education, hours, entertainments, all that they had known or recollected or valued. The people regarded them as antiquated masqueraders, and they were at no pains to conceal that they considered the Parisians as the lees and dregs of the population, after the best blood had been drawn off and expended in the rebellion.

It was evident to all that monarchy had been so thoroughly exterminated, that it was now an exotic, and not the more agreeable to the country from having been transplanted by foreign bayonets. Although the people had applied themselves to agriculture and commerce with great zeal and success, they had been too long accustomed to the excitement of war, and

than anywhere else.—*See Hook's Church Dict., title "Concordat."*

the intoxication of military glory, to sustain with perseverance the laborious operations of the arts of peace, and longed for the return of Napoleon to lead them on to fresh victories. Impatient of repose as well as themselves, he placed himself at the head of the army, and monarchy was again overthrown. Waterloo imposed Louis XVIII. upon the nation once more, and a further attempt was made to give durability to the throne. Obedience may be enforced, but no power on earth can extort affection. His restoration was not the result of their choice, but their defeat; and as his presence reminded them of their misfortune, he was tolerated like one billeted on the nation. His successor, and heir to the crown, Charles X., was soon afterwards escorted to the frontier by a guard of his own soldiers, and desired to depart in peace. Monarchy was again stripped of everything but its name. A member of the ill-fated house of Orleans aspired, and was selected, to occupy the dangerous station of hereditary first magistrate, or president, under the equally unacceptable title to the neighbours and allies of France, of Citizen King. Hereditary rank and estate were abolished, and a

republic, with a limited franchise and restricted qualifications for election, was established in its place. It was a compromise between retreating royalty and aggressive democracy. It was a truce between two irreconcilable parties. A long exile in various countries had not taught the King either humility or wisdom. He had not inherited virtue from his father, and the people had too long despised and derided it, even to pay it an outward respect.

They prepared a charter, and both swore with much solemnity to observe its provisions. He distrusted their sincerity, and fortified Paris under the ill-disguised pretext of protecting the city, but in reality to curb its unruly population. Equally treacherous, but more prudent, they on their part increased their strength, by constantly recruiting their ranks, until they were even powerful enough to look down all opposition.

By an accidental explosion of the combustibles, or a well-planned train, he was dethroned before he knew he was menaced. He had neither time for retreat nor defence. He was requested to abdicate, and permitted to assume a disguise and leave the kingdom. In this ignoble flight, his only pursuers were his own apprehensions,

and the only escort of the little fragment of his family that adhered to him were his own reproaches.

To this base imitation of royalty succeeded the foul and feculent stream of democracy, which, crimson with the blood of another massacre, second only to that of the Huguenots, everywhere exhaled its noxious vapours, that threatened to poison the whole moral atmosphere of Europe. Such is the country in which this great experiment is to be tried, of a republic based upon universal suffrage. Pre-existing monarchy, and its accompanying institutions, we have seen, present no obstacle, as they would necessarily do in England. If democracy were not the original growth of the country, as it was in America, it is now as generally diffused; and it is a very singular circumstance how opposite principles, when carried to their full extent, produce similar results. Nothing can be wider apart than Puritanism and infidelity, nothing more unlike than their principles and general conduct. The one believes most devoutly what the other denies and ridicules. They have a natural antipathy, and entertain a mutual horror, of each other; and yet their

conduct affords, by its consequences, an apt illustration of the old proverb, "That extremes meet." The one believes in a Supreme Being, whom he acknowledges and adores, but his imagination is so gloomy, and his temper so austere, he can see no attribute in Him but that of vengeance. He believes in a Saviour, but he can behold nothing in Him but redemption purchased by blood. His devotion, therefore, though intense, is cold. He applies to his Maker for justice. He has but a faint conception of mercy, and being well satisfied with his own holiness, thinks that he who never offends, does not stand in need of indulgence. Unbending sternness, and unrelenting duty, are what he values and strives to exhibit. He sees no harm, therefore, in arraigning his King, trying, convicting, and executing him; and to show his impartiality, he will not spare a prelate, who is a servant of God, when he has slain him, whom in mockery of his prerogative, he calls "the servant of the people." That he is sincere in believing this to be the path of duty, we can scarcely doubt, otherwise he would hardly glory in it, and thank his Maker for using him as an instrument for executing His vengeance. The

Puritans derived a holy pleasure from this pious work; and when they fled to Massachusetts, refreshed their drooping spirits in the wilderness by cropping the ears of Tories, and boring the tongues of Quakers, whipping non-conformists, and hanging people under the pretence that they were witches. They had over two hundred victims in gaol, as we have seen, wherewith to gratify their zeal in counteracting the designs of the wicked one, when a stop was put to their atrocious inhumanities.

The French philosophers produced the same result by an opposite process. The fool mentioned in Scripture, "Who said in his heart, there is no God," had at least the decency to confine his thoughts to his own bosom. The literati, with equal folly, but more vanity, published this discovery to the whole world, and it was not difficult to obtain converts in a hungry mob, who were paid for their credulity by the property of the Crown, and the revenues of the Church. When booty is obtained without the danger of resistance, or the fear of punishment, the appetite for treasure, so easily obtained, grows with the gratification; and the plunder of Royalty was too tempting an oppor-

tunity to be lost. The death of the King was necessary; but, according to their reasoning, it ought to startle none. He was but a man; and, besides, he was a criminal. If there were no future state of rewards and punishment, his life or death was not worth the waste of one precious moment of so short an existence. But if there were, they must still be right; for one of the most rigid Protestant sects in Europe, called Puritans, men of the strictest morals and the highest sense of justice, had set them the example. Although I do not mean to confound these two parties, who so widely differed from each other, yet it is instructive to inquire how they were both led to the same fatal conduct. An overweening pride in each was beyond a doubt the main cause. The Puritans satisfied themselves they were the best, and the infidels that they were the wisest, of mankind. The one left the mild and meek virtues of love, charity, and submissive obedience to the care of females, and reserved the more masculine and sterner duties to themselves; while the others transferred the Christian Trinity to the heathen mythology, and regarded both in the same light,—as the inven-

tions of ignorance, superstition, and fraud. The one had morals, respected the rights of property, maintained order, and enjoined or enforced frugality, industry, and sobriety of conduct; the others abandoned themselves to sensual enjoyments, respected neither life, property, nor laws, and relaxed or released the bonds of society. The one gave a preference to a democratic over a monarchical constitution, and a Congregational to an Episcopal Church, and put their favourite theories into practice; the other subverted all government, and all religion. They were both hypocrites after their own fashion; the one quoting Scripture as a pretext for rebellion and murder; the other affecting to consult the oracles of reason, in order to give currency to their frauds, falsehoods, and forgeries. That there was much in the conduct of the court, the institutions, and the management of the finances of France to amend, there can be no doubt; but that a revolution was necessary to effect these reforms, or that they were as vicious as has been represented, no one now believes, but those who delight and thrive in all civil commotions. But if the King were undeserving of the cruelty,

indignity, and death that he suffered at the hands of his atheistical subjects, what shall be said of the unrelenting persecutions and proscriptions of their clergy,—a body so numerous as to require the surveillance of one hundred and thirty-five bishops? It was not then, and never will be again, so long as the world shall last, difficult to select individuals of immoral lives and scandalous conduct. No branch of the Universal Church ever has been so pure; and whichever shall claim the exemption, will prove, by its assumption, its own unworthiness. Human nature, at best, is imperfect, and always fallible. Of the chosen few, who listened to the instruction, and witnessed the miracles of the Sacred Head of the Church, one betrayed his master, and another denied Him, and a third subsequently doubted his identity, until, to the evidence of sight, he was called upon to add that of touching the body. It is an admirable lesson, and teaches us humility in estimating ourselves, and charity in judging others. It was necessary to defame the Gallican Church to palliate the confiscation of its effects; and to accuse, before they condemned, its hierarchy, in order to have the pretext of a sentence for

putting them to death, or driving them into exile. They succeeded in deceiving themselves, but they have not duped others; and every candid person, of every creed, in Europe and America, does justice to this learned, pious, and faithful body of men, who suffered so much from the daggers, the dungeons, and the scaffolds of their heartless enemies.

The effect of this relapse into heathenism is still most sensibly felt in France. The whole population has to be re-converted; a task wholly beyond the power of man, without the blessing of God upon the work. The Gospel has no new light for them; they had seen and rejected it, as inferior to that of reason; it has no new truths to elevate and purify their minds, to console them in their adversity, and sustain and cheer them in their toil or their suffering. They had heard them, and disbelieved them. They had shut their ears, and hardened their hearts, for they knew not that "righteousness exalteth a nation."

They have, however, condescended to tolerate religion, and have permitted it to push its way if it can. Romanism cannot long exist anywhere without making itself felt. In America we have

seen how it has done so; and the tendency it has, by obtaining the suffrages of the majority, to throw power into the hands of a foreign potentate. The same will be discovered to be the case in France. In that country, it is true, the religious element is not by any means so largely infused into the character and constitution of the people, as in the United States; but it has the great advantage of being in undisturbed possession of the field, and of holding therefore, an undivided sway over all that is religious in the community; whereas, in America, though numerically, perhaps, superior, and its adherents more devoted, there are numerous other bodies, and especially the Protestant Episcopal Church, to hold it in check, and arrest its progress. This danger to the national government of France is greater under the present hierarchy and clergy, than under the old Gallican Church. That was a far more patriotic body; it was attached to the soil, and its ministers were, both by birth and in heart, Frenchmen. Whereas, the existing priesthood, perceiving the frail tenure that they have on those in authority, that they are in fact merely tolerated by statesmen, neither esteemed

nor respected for their office-sake, see in Rome the sole source of all their power, dignity, and status in society. Hence their affections are estranged from the land of their nativity, to which, moreover, from the law of celibacy, no ties of family bind them, and they are naturally led to entertain Italian predilections, and disseminate ultra-montane doctrines.

The influence they will eventually exercise on the Constitution cannot well be overrated. Laws may be invented to restrain the clergy from interfering in secular matters, and to exclude them from power, but while Romanism remains the same, no enactments can connteract its influence. It has the education of youth, the devoted reliance of the female heart, the ignorance of the lower classes, the confidence and society of the rich, the superstition of the weak, the power of indulgence or penance for sinners, and the keys of Heaven for all. It mixes itself up with the tastes, the feelings, the enjoyments, and consolations of life. It receives the helpless infant, and christening it, adds it to the flock, and, while imparting its creed, exacts and secures its obedience. It trains it in its own way, when manhood asserts its indepen-

dence, and the world exhibits its allurements. It unites him to the object of his affections, and makes her his companion for life, bestowing on both the benediction of the faithful. It unlocks the sanctuary of his heart, and is the depository of the secrets of its inmost recesses. It advises him in his worldly affairs, sustains him in his trials, and prepares and consoles him in the agonies of death. Can law grapple with a power like this, and say, "thus far shalt thou go and no farther." This is a power beyond a Charter, and above a Constitution, and they who wield it must be courted and not coerced. It will assist an administration, but it requires heavy subsidies for its services. In the absence of religion, we have seen, a republic cannot exist. The State then must obey it if it will rule. It is the vast majority of the population that, under some form or other, profess Romanism, that creates the difficulty.

If then the infidelity or religion of France, are both opposed to rational republicanism, the want of due preparation and congenial establishments for enabling the rising generation to understand and appreciate self-government, are very serious obstacles to its success. So much has elsewhere

been said on this subject, that I do not think it necessary to follow it into detail. America has one advantage peculiar to herself, arising from her isolated situation. She has no neighbours of sufficient power to cause her a single moment's apprehension, however much they may dread her interference. She wants no standing army, a power always dangerous to liberty under any form of government, and ever attended with an enormous expence to the nation. She has almost as little need of a navy, as a law of non-intercourse, would inflict more injury upon any country with which she has commercial relations, than twice the number of men of war she possesses.

European politics on the contrary are so various and complicated; and national rivalries and jealousies run so high, while the intermeddling policy of every government with the affairs of others, and the absurd dread that the balance of power may be destroyed, render it necessary for France to keep up both branches of the service, in an efficient and extended scale. With such a force, a continental republic would hardly be secure from itself; without it, it would not be safe from others. The fundamental principles of the Charter of Louis Philippe, anticipated

the present democracy, by decreeing an equal partition of real estate, and saved it from the reproach of having ruined the country, by subjecting it to the experiment after it was utterly impoverished. Its object, doubtless, was to force upon the people the adoption of a democracy, by reducing the condition of all landed proprietors to one standing; but it was the condition of a workhouse, a level of irredeemable poverty and wretchedness.

There was nothing new, either in the theory or the result; it had been tried and rejected before this law was ever thought of. The best agricultural writers of this century, though they differ, as it is natural to suppose they should, as to the best size for a farm, all agree in this, whatever may be its extent, which must ever depend on a variety of accidental circumstances, it should not be so large as to induce the occupier to speculation in the markets, whereby he is apt to withdraw his attention from his legitimate business, and expose himself to bankruptcy, nor so small as to require time to cultivate it with his own hands, which degrades him to the station of a mere labourer, and engages him in a perpetual struggle with poverty, which in his declining years is sure to overpower him at last.

Their own countrymen in Canada, who crowd both banks of the St. Lawrence, have carried out the partition of lands to the extreme length to which it will go, and their poverty contrasts painfully with the plenty that rewards the toil of the backwoodsman, who has a more extended field for his skill and his enterprize.

The Acadians in Nova Scotia, the descendants of the first adventurers from Havre and Rochelle, have at last starved out their repugnance to lose sight of home, and are compelled to fish and engage in the coasting trade in summer, to enable them to subsist on the old paternal strip of land in the winter. If the farmer is a pauper as well as the labourer, the operatives in cities and the manufacturers, there is no lack of equality, nor are the rights or the property of those in much danger under any form of government, who have little else to reward invasion beyond putrid fevers and contagious diseases.

Can any one wonder there are Red Republicans in France?—men who, with arms in their hands, demand bread or blood; who are willing to work, but cannot find employment; who would till the soil, but that the only crop they

raise, is disappointment; who love their nation, but the country is too small for them.

It is not necessary to remark on the unchecked power of a single Chamber of Deputies, as now existing in France; because we have discussed that already, and, besides, it can be altered and a second one added, to correspond to a senate. But the ancient or modern sub-divisions of France present no distinct sovereignties like the separate states of America, that possessed, together with their independence, laws and institutions of their own, to which the inhabitants were attached, in an equal or perhaps greater degree, than to those of the federal government. The separate and independent states legislate for themselves, are supreme within their own limits, and retain all their powers, with the exception of the few they have delegated to Congress. They are great barriers to the centralization that pervades in France, making Paris the nation. They present insurmountable difficulties, in the way of encroachment on local authority, afford the best machinery that can be devised for training and electing senators. The Chamber of Deputies comes too fresh and direct from the people for cool deliberation, or

the exercise of private judgment. It is the trumpet of the multitude, and adds volume and sound to its voice, already too powerful; it obeys rather than governs, or at least such is the tendency of things. The operation of this cause, we have seen, has produced repudiation in some of the individual states of America.

The tone of feeling in France having none of the constitutional checks imposed upon it, as in the United States, must eventually deteriorate. Even the great revolution did not efface all honour, in extirpating all religion. The nation had been too long a monarchy to lose its chivalrous feeling so suddenly, and notwithstanding the subsequent changes, its military and naval establishments gave a character and confidence to public faith, which it never could or can draw from universal suffrage. This direct appeal to the people for the election of the whole Chamber will gradually bring the Assembly to think and speak like the mob they represent, and the voice and feeling of both will soon become identical: the people will contaminate their legislators, and the legislators will still further degrade the people. But without going into details, I will refer my readers to my

facts, and contenting myself with merely stating that I can see nothing in the situation, institutions, or condition of the country to warrant us in indulging a hope that such a government, as exists in America, or any that at all resembles it, can be introduced into France with any rational prospect of success. De Tocqueville, with true Gallican vanity, asserts that it can, for he thinks what has been effected in America can be adopted and improved in Europe; and that whatever any other people could do, his countrymen can also accomplish. With an equally strong Anglo-Saxon feeling, on my part, I verily believe that if the difficulties to which I have alluded, were all removed, the French could not successfully carry out the experiment.

There is no people in the world who understand, or who can sustain republican institutions, but the Americans. Several hundred thousand needy adventurers recently rushed with impetuous haste into the gold region of California, where no law, but that of nature, prevailed. Their first step was to choose delegates, frame a constitution, and put it into execution; and they established a government

with as much facility, and in as short a time, as the partners of a Joint Stock Bank could agree upon their bye-laws. What people on the earth could do this, but the Anglo-Saxons? Those fortune-hunters were not the most enlightened citizens of America, nor her choicest subjects; and she was, with some few exceptions, as well pleased with their emigration as they were themselves. Yet they have put to shame the Prussian statesmen, the German philosophers, and the most learned and enlightened politicians of the Old World. They were accustomed to the work, aware of the extent of their wants, and well acquainted with the best method of establishing and securing order. They were practical politicians; having first provided a law for the protection of property, they set themselves in all haste to work, to acquire it, and the document they had prepared was no sooner duly sanctioned, than they were to be seen wading with naked legs into the river, and digging sand, and washing it in a cradle to separate the gold from the dross. The nature and position of the country, and the character and temperament of the people (independent of all

other considerations to which I have alluded), are of themselves of such vast importance to the success of a republic, that after giving the Anglo-Saxon race all the credit it deserves, and ascribing to the Gallican nation all the valuable qualities (and they are very numerous) to which they can in any way lay claim, it may be well doubted on the one hand, whether, if France was evacuated and given up to the Americans, they could long maintain in Europe, either their institutions, or anything like the amount of freedom they now enjoy; and on the other hand, if the French were put into possession of the territories belonging to the United States, with all its advantages of position, and all the necessary institutions constructed to their hands, whether the complicated republic would not be found so uncongenial to their habits, and so little adapted to the genius of the people, as to fail of success in a very short time. I offer no opinion as to the durability of the government of the United States. The federal constitution, we have seen, is an admirable production. Those of the several States are inferior to it, and their tendency is to retrograde. How far this deterioration will hereafter communicate itself to the other, time

alone can show. Our hopes for its safety, however, are by no means unmixed with fear. It has many an unforeseen contingency and crisis to pass through, before its strength or durability can be said to have been fairly tested.

With the Constitution of England, to say the least of it, we are content. As we cannot obtain a better one, we may well forbear from unnecessary experiment. The Reform Bill, the Emancipation Act, and the repeal of the Navigation Laws, have taught us to place a proper reliance on the wisdom of our forefathers, and to entertain a great distrust of the hasty and inconsiderate legislation of our contemporaries. "Fools rush in where angels fear to tread." France having voluntarily plunged herself into the cauldron of democracy, after infinite suffering, has learned that licentiousness is not freedom, and *émeutes* and insurrections are not republicanism; that the right to make laws is of little value, without the disposition to respect, or the power to enforce them; and that that which began in confiscation and plunder, will inevitably be overtaken at last by the retributive justice of an inscrutable Providence. Her experience has also taught her that whatever be the

form of government, despotic, monarchical, or republican (and that which is best administered, is best), the only sure and solid basis on which it ever can be built is religion, which at once makes us good men and good subjects, by teaching us our duty to God and our neighbour, and renders our institutions, our country, and ourselves worthy of the protection and blessing of Heaven.

THE END.

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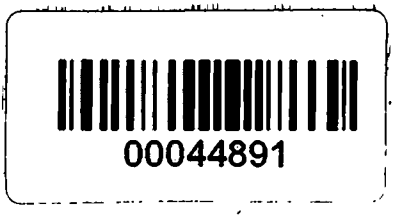
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